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THE
TEST
OR TRYAL OF THE
Goodness & VALUE
OF
Spiritual-Courts,
IN TWO
QUERIES:

- I. Whether the Statute of 1 *Edw.* 6. 2. be in Force (against them) *at this day*, Obliging them to *Summon* and cite the Kings Subjects (*not in their own Names and Styles*, as now they do, but) *in the Name and Stile of the Kings Majesty* (as in the Kings Courts Temporal) and *under the Seal of the Kings Arms*?
- II. Whether *any* of the Cannon-Law, or *how much* of the *Cannon-Law* is (*at this day*) the Law of *England*, in Courts Christian?

Highly necessary to be Perused by all Those that have been, or may be Cited to Appear at **Doctors Commons.**

By EDM. HICKERINGILL.

The Second Edition, Corrected.

L O N D O N:

Printed by *George Larkin*, for the Assigns of the Author, and are to be Sold by most Booksellers. 1683.



Suavi Devinctissimo Sodalitate Amico meo;

A. B. Utriusque Juris Professori.



Gre jam Quæstionum istarum, quas flocci-
tatis meæ Disquisitioni (Desiderii tui in
me non acuminis Indiciū) tanta volup-
tate subjici gestivisti Fugiter, Tandem;
non sine Ingratæ Invidiæ Subsequentis
Intuitu, Luce (ut omnium Provocet)
examen gaudet Impetratum.

Quod cum Ecclesiæ pace Profertur nostræ Indigenæ, bono-
rumque Anspiciis, Bono Publico Pacisque Communi consulere;
Dominationi saltem vestræ (ne dicam) omnibus (quorum non
sunt aures veritati clausæ) Conamen nullus dubito pergratum.

Palamque in otio meo & sollicitudine (quam non languere
patior) omnium Intuli oculis, ne versutior & callidior & hoc
tanto Invisor & suspectior (nec interea temporis mihi, Patriæ,
aut Ecclesiæ defuisse) videar.

Prælagienti verum animo, non sum nescius quam diversa
sunt hominum studia, meque in tempore non magis opportuno
quam difficili hæc differere (Haud enim is sum qui desiniam)
Impedito quidem (quid mirum?) scribendi stylo non tam præ
literarum impotentiam solummodo, quam præ glissentem In-
dies Invidiam & lascivientem in hominem, umbra & re-
cessu abditum & Turbarum Contumeliarumq; nupe-
rarum non Insolentem; sed an majori Justitia an Pro-
cacitate apud Posteris Judicium esto.

Obganniant interea loci & pro consuetudine detræctent per-
frictæ frontis rabulæ: Tales etenim, ut malitia convitiisque
coram vel clanculum desistant, ambire vanum habeo.

Nec tot adversis Impar gravate processus eorum Renuo;
nec hanc Perperam, sed Fide (uti Spero) spectata Ca-
pessui Provinciam.

Hic tamen sequor Eminus (nec inhonesta cautela) Ve-
tatem, in Tramite verum (uti par est) licet non ad Cal-
cem (quod aiunt) Temeratam.

Hic namque Veritas non tum limatur quam ad gustum
Communem accommodatur Oratio.

Ideoque Disputator non tam Subtilis quam pro re Nata
dulcis parumque Vebemens (quanti quanti sit Veritas ven-
dicanda) Pacis Colendae causa haberi videar, utcumque.

Londini Tertio Idium

Januarii Anno Salu. 1683.

1683.

Reverentiae Vestrae

Addictissimus,

EDM. HICKERINGILL.



The TEST.

OR,
 TRYAL of the VALUE and GOODNESS
 OF

SPIRITUAL COURTS

Querying

I. *Whether the Statute Anno 1 Edw. 6. 2. be in Force, against their Ecclesiastical Proceedings at this day*

CHAP. I.



His hath been an *old* Question (and never, as yet, Judicially determin'd) and therefore cannot be accounted a *bold* Question: much less is it moved unseasonably.

Men that pass *quietly* by, making no noise, but, cover'd with darkness and the Night, and creeping on their way, as it were by stealth, may possibly pass the Guards, without the trouble of being challeng'd by the watchfull Centinels, or of being forc'd to stand and tell who they are, whence they came, or whither away; But if they make a bustle, and

a disturbance, It Alarm's Examination to pry into their ways, and to enquire whether they have a *Lawfull Passport* from God, and the King, or from one of them.

Time was, when Ecclesiastical men did their business, and carryed on the Money Business (not very unsuccessfully) but without noise, hanging down their heads when the Register went to Church accompanied only with (his two drudges) The Surrogate and the Sumner; then calling a Court in haste, and with a greater haste adjourn'd, before the naughty boys and rabble had notice, or could rouse themselves to Hiss at them, getting as safely as secretly to their Lodgings, where picking up a few groats amongst easy Church-Wardens, nibbling at Procuration money, and Visitation money amongst the Parsons, (that for fear of a worse turn, deliver'd their purse) which with some Dribblers for Licences of Marrimony, and Administration Money, paid Riding Charges and the Reckoning well enough, and somewhat to spare, the Register (departing well in'd in Body and Pocket) march'd away as cheerfully as secretly, making as little noise as possibly he could.

But when the Pastoral Staff began to play at quarter Staff, driving whole Flocks before it (by flocks) to Pound, and seeming to make a blow at the spirit and Soul (which no mortal blow can hit, being situated too high and out of reach)

reach) The smart was felt upon the *Flesh*, and the strokes fell heavy upon the outward man, depriving men of Priviledges and Temporal Liberties, Birth-rights, and Franchyses as *Englishmen*; of Votes, Elections, and Benefits, as *Citizens*, *Free-Demizons*, and *Free-holders*; of their debts, and all benefit of the Law, as *Creditors*, *Witnesses* and *Jury-men*; and of disposing of their *Estates*, by Will and Testament, as *Testators*; no wonder if it rowzed Examination, to enquire whether the *Lightning* be compos'd of culinary fire and Kitchen-stuff, rather then of Heavenly Rayes; because *Celestial Lightning* melts the *Sword* without singeing the *Scabbard*, and strikes at the *Life* and *Soul*, mortifying it, without leaving any *Impression* upon the *Body* and outward man.

Nay further, when the Cry, because of Ecclesiastical Oppressions and Extortions (in illegal Fees for Probate of *Will's*, Administrations, &c. contrary to and in *Defyance* of the Statutes of this Realm) grew so loud, and notorious, that it sounded and rung all the Kingdom over, most men were the more willing to pry into their Constitution, and examine their Groundsell, whether all be sound and right at the bottom, when such Ruines and Dilapidations appear above ground. Ay, and to bring *Indictments* against many of them, which undid several of them, for their Extortions; and most justly did they suffer, and none to pity them.

For men give Law to Hares and Deer, but they catch the *Ravenous* and *Rapacious* (the *Poll-Cat*, that sucks the Eggs and spoils the young Brood; The *Badger* (too) that worrys the poor Lambs) when they can, How they can, and As soon as they can; And who so poor as not to contribute his penny, or so ungrateful, as not to be Civil, (at least) and a *Well-wisher* to the *Fox-tatcher*, and that he may prosper, praying for his good success in hunting down the noxious Game, an Employment, not more pleasant and Gentle, then usefull and serviceable to the Commonwealth and publick good:

Even so, The wise States-men have made such excellent Laws against Oppressors, Extortioners, Promoters, Suborners, Common Informers, and the like Animals (that rend and tear the Kings poor Subjects and Lambs) that Encouragement is given by the same Laws to every right *Englishman* and true *Protestant* (that will put the same in Execution against them) he shall not only benefit the publick but himself also; and deserve well of his King and Countrey.

For who can, without great Regret and check of Conscience, connive at, much less Countenance such publick Scandals, Oppressions, Grievances, Offences and Delinquency's?

Did our blessed Saviour or his holy Apostles curse them that refus'd to pray with them, or refus'd to hear them preach? and yet they were infallibly in the right.

Some of the more furious Zealots amongst his Disciples (once, and but once) call'd for fire from heaven to consume those that rejected them, (as *Elias* did:) but our Redeemer presently Rebuk't the evil Spirit, and cast it out of them, saying, *Ye know not what manner of Spirit ye are of.*

Did the Apostles drive men to Pound, or the Jail, with any or all their Ecclesiastical rods, and then replevy them, and redeem them, but never without Money in the case?

Did Christ or his Apostles (whose Poverty and Self-denial, (taking up the Cross) was a qualification as absolutely necessary for a Follower of Christ and Successor of the Apostles, as was Faith, Hope and Charity) did they by any Ecclesiastical Engine feel their Pockets, get dominion, or wreak their malice and revenge, or truckle to Politicians to make their Spiritual Weapons Tools of State, wherewith to do a *States-Job*?

Did



Did they either make *money of Souls* or of *Sins*? Did they call to the *Taylors*, *Hang-men* or *Bumbylies* to come and help them; and lend them a hand to carry on the Gospel? Did they either *force* or *fright* men to Heaven? or *scare* them out of their *Wits*, or out of their *Consciences*, or out of their *Purses*, or out of their *Freedoms*, *Liberties*, *Estates*, *Birthrights* or *Temporal Inheritances*? which, (he confest himself) were exempt from his Ecclesiastical Jurisdiction, not hooking it in, as the Pope and others do, with the old Popish Cheat—in *ordine Spiritualia*: taking away their *Temporalities* in order to their *Souls* health: Our Blessed Saviour taught us *not this cunning*; nor these *medendi methodos*, new ways of Cure; and Arts Empyrical.

Men never sooner cry out then when pinch'd of their Liberties, or pinch'd by the Pocket, especially if *Spiritual-men* be active in it, they are apt to cry—By what Authority do you these things, and who gave you this Authority?

The old Prelates (in King James his Reign) calling themselves the Church of England in their *Articuli Cleri* presented to the King and Council (against all the Judges) confest judiciously, where their great (*Sampsons*) strength lyes as to their Ecclesiastical Jurisdiction, *not in the least* mentioning God, nor Christ therein, neither the Prophets, Apostles, nor the Gospel for it (their modesty is Commendable, because no such Ecclesiastical Jurisdiction, Spiritual nor Temporal, is found in the Holy Bible.)

But, very plainly and open heartedly they avow, without dissembling the matter in the least, That the chiefest Temporal Strength of their Ecclesiastical Jurisdiction, is Imprisonment upon the *Writ de Excommunicato Capiendo*.

Implying that, if their *Sampson's-Locks* were cut, they would become weak as other men; And if this Royal Statute 1 Edw. 6. 2. be in force, all their Processes Ecclesiastical, *Significavit*, *Certificavit*, in their own name and not in the Kings name, must all be illegal, and consequently all *Capias*-ses and Imprisonments thereupon, Illegal, and ill grounded; Therefore no wonder if men concern'd do stand up stoutly to keep this Law down, (For if it rise up in Judgment against us, what will become of us) or if all the standing in the world cannot bind it down: (For the Law at long run is too hard for any man alive) I profess, The old Prelates knew how it concern'd them to hush it down, when it seem'd to rise up to fright them by being unloos'd *primo Jacobi*, having long been fetter'd and bound down *primo Mariae*.

And it was honestly done of them to confest that their strength did lie in the *Writ De Excommunicato Capiendo*; why should men ly for the matter? especially in a case so plain and palpable? We are all agreed that Commissaries, Officials, Proctors, Registers, Sumners, and all that drive that Sell-Soul Trade, are not found in Gods Word.

If therefore it shall appear (before we have done) that they are not of the King neither, prethee tell me, (if thou canst) who they are of?

This Province (I know) would be best managed by a Lawyer; yet it is not his Peculiar, nor Exempt from the proper Cognizance of a Divine, especially in Reference to such Statutes, (as this of 1 Edw. 6. 2.) which relates only to Divines and their Surrogates; (especially to such Divines as I am, (to wit) a Benchman, and Judge Ecclesiastical.)

'Tis true, I only state the Case; for it is the Kings Judges that (only) ought to determine its Validity; And well are they called in Law his *Locum Tenentes*, because by Partiality, Timidity, Corruption, or Injustice, they have not only been charg'd with breaking the Kings Oath, (thereby) as well as their own; but have had their Necks broke at the Gallows, for their pains. Nor since this question was first started, 4 Jacobi, did any of them (I will n

say they durst not) decide this *Quere* Judicially: For the Judges may declare the Law, but never a man in *England* can either make or Repeal a Statute, (out of Parliament) 'tis *Fatal* to him, if he attempt it.

And, Ple speak a bold word, I believe the Ingenious Reader will conclude (before I have done,) that all the men in *England* are not able to speak one reasonable word against the Validity of this Royal Statute, thought so necessary for the Preservation of the King's Supremacy and Royal Prerogative, (after the *Pope's head* was decollated) that it was the first Statute that ever was made (except that concerning the blessed Sacrament to be taken in both kinds) after the Reformation, In the Reign of *Edw. 6.* For his Father Reform'd indeed the Monasteries into his Pocket, but liv'd and dy'd a Zealous Papist.

CHAP. II.

And if in handling this Serious and Solid Argument, The Reader happen to meet with an Angry expression sometimes, which he deems too light, for the Gravity of the matter in hand, let him know there is not a word here writ, till well ponder'd, and of Set-purpose.

For which mixtures, I have the Oracle of the Law, the most incomparable (Cook) for my Warrant as well as Copy and President; recommending the plain down Right Arguments of Law (in his Institutes) by Interlacing them with Poetry and vivid Humanity, therefore rendering them more Amiable and acceptable.

Or, (if you please) He *Damask's* and *Water's* his best and strongest Stuff; And I (to speak in his own Phrase, I mean, the Cooks Phrase) will Lard my discourse, where I list. And though I have not the skill to do it Cook-like, I hope, not slovenly, Though 'tis but to make it go the more merrily down.

Not that I take either Care, or bestow any pains upon Embellishments to please any mans Gusto, but, if they readily and naturally come to hand, and but please my own Pallate; be they salt, bitter, or Tart; no matter, though they disrelisht a dull Phlegmatick or Insipid Taste; I have no more to sell; nor other design, In this Treat, but the discovery of Truth and Law; And what's that to any man how I Cook my own Dyet? wherefore I will State the Case Impartially, not omitting any thing that the Lord Cook says against the Validity of this Statute, but will Improve all he says, to the utmost; If I do not, let any man make more of them; when I have done.

Some honest Lawyer might have been so good as to do this ungratefull Work to my hand (but the Drug and slowest Sailer of the whole Fleet usually carries the Light) most of the Learnedest of them declare (boldly) in their Chambers, for the Validity of that famous Statute. 1 *Edw. 6. 2.* as well as for the Reasonableness of such a Law; for if the Ecclesiastical Courts be the Kings Courts, as well as are the Temporal, why should nor the Original or Judicial Writs and Processes run in his name, in the Ecclesiastical Courts, as well as in the Temporal?

But, though this (and a great deal more to this effect) be true, yet men are so Timorous and wary, that though they thereby get onely Polebismus in Mercy, to be one of the last that shall suffer, staying onely to see their fellows executed, yet they are loth to come into the Lists to try the Adversaries strength, wanting that which is one of the four Cardinal Vertues, Fortitude, without which no man can be a good Christian.

A Coward may be a Qu-stick, or Summer Christian, namely a Professor of Truth till the Storm of Persecution come, but then, the Fox keeps in his hole,

hole, resolved, as long as he can, to sleep in a whole Skin. Faint hearts! they are *Well-Willers* to the Mathematicks, they can look on, (as they pass by,) and see the *Cudgel-play*, and with *Favour*, to that side they like, can applaud and cry—*Euge!* well struck! In troth *That was a home-thrust*; That was well-followed; *That was a Down-blow*, at them again! *my Heart!* But, they dare as we eat their Ears as come into Ring and take up the *Cudgels*; though the *Lubbers* have more Strength then they that play the prize, only they want a good heart.

Pope Sixtus 4. was first a Gray-Fryar of St. Francis, And from the Cloyster mounter into the Holy-Chair; To whom, amongst others, came to visit him an old Comrade of his, a Franciscan Fryar of the same house, in his old Cordelier's habit, which the Pope had newly thrown off. Treasure of times.

Glad was the Pope to see his old Comrag — not so much for the Fryars sake as his own; That his Quondam Brother might behold his Glory, and the Splendor of his Equipage in all his Pontificalibus:

To which purpose, the Pope conceal'd nothing of his stately Pride and Pomp, but shew'd the poor Fryar all his Precious stones, Chambers of State, Thrones, Miters, Jewels, and Robes, not omitting the Golden Slippers that Ensurin'd his sweaty Toes and Cornes; at last, shew'd him his vast Treasures, a vast Masse of Gold and Silver heaped up together: (as who should say) Brother that was! The Game is alter'd since I wore a Circingle with you in the Fryary; for (quoth the Pope) I cannot now say (as Peter did) Silver and Gold I have none.

No, (Replyed the Fryar) Nor can you say (as he did) to the sick of the Paley, (Lame and Impotent People) Arise and Walk.

This bold Answer lost the poor Fryar a Cardinals Cap, and a pair of Lawn Sleeves, which the Pope had laid out and design'd for his old acquaintance, in remembrance of many a Waggish-prank they had plaid together in the Monastery; but this Plain Truth spoil'd all, and the Fryar sent home, as poor as he came, and as a fellow not fit for his purpose, not having the wit (or Gift) of cogging, lying, flattering and dissembling, nor meet for a Courtier: And as glad was the Fryar that his Holiness did not jay him, for so much Honesty and naked Truth.

Though the Wise and Wary, The Time-serving Taintives and the Timorous, will joyn together to condemn the poor Fryar for a fool, that had so little wit as to loose his Preferment for the sake of a little Truth and Gospel, and telling his Popeship his own.

Iust such another Fool am I, in their opinion that know nothing but Worldly Wisdom, which is enmity with God; why? Do you think I did not foresee all this Storm that has rost me, (not wrackt me) long before it came; And let it bluster, Gods Will be done, I thank God for this Grace, The Ecclesiastical-men cannot plague me with so much courage and comfort for exposing their oppressions, extortions, and vexations of the Kings Subjects, in defiance of the Laws, as I can chearfully and patiently suffer, for the sake of Truth and the Laws.

Yet, will I not break one Law, whilst I vindicate another; nor did I ever write any thing which is not justifiable by Law.

For I could find in my heart to deliver my self into their hands, if it be but for an experiment to try how much Ecclesiastical Clemency is improv'd in Christianity and Humanity since the blessed days of their Predecessor Bishop Bonner.

Not but that I am well and warm, which I speak not in vapour, (far be the Imputation of such vanity from me) but to the praise of Almighty Gods Protection, which I know he will continue, and I shall certainly overlive their rage except God see it more for his Glory, and for the Promulgation of Truth,

that I should *feele* it, with *suffering* for *that*, of which I am so *Indifferent*, that I know not *which is best*, nor would I be *mine own Carver*, Gods Will be done: they alwayes *herto have* (and alwayes will) hurt themselves more *than me*, let them be as *cunning* and *cruel* as best like, or as God will permit.

And this I say (the rather) for the *encouragement* of *all* that suffer for *Truth and a good Conscience*, (whatever other *Stratagems* they have for the *pretence of their rage*) let no mans heart therefore fail *because of me* ; for I was never better in my life.

And indeed, if this Statute of *Edw. 6.* be in force, *no name is bid enough for Ecclesiasticals*, but we seem the most *Impudent Conventicle* of *Insolent men* that ever did bid defiance to the Law, or *vex the Kings Subjts* in our own names by *vexations, Citations* and oppressions, *Excommunication, Significations* and *Imprisonments* ; for which no *Punishment* seems *satisfactory* in *this World*, so it do but spare our *Lives*; we are in *miser cordia Regis*, and have forfeited all but *our Lives*, if that Branch of that Statute be in force. In the *Interim*, God keep me out of the enemies clutches though, For I think, I know sufficiently what *Ecclesiastical Clemency* is, if they get a man at *their mercy* ; women and timorous men are said to be most cruel, *when they get a man down*, they never think themselves safe, till he be made sure for ever rising up again ; but, if they had not run to *Westminster-Hall*, *cryd* out there for help, against me, I could have dealt well enough with them till they had been *Tyred*, nay, They knew it as well. But *no more of that* at present, for their *business* was never so fully and compleatly done as now. Take my word for it.

C H A P. III.

THe Branch of the said Statute, *1 Edw. 6. 2.* now to be considered, is this, *verbatim.*

BE it therefore further Enacted by the Authority aforesaid, That all *Summons and Citations, or other Process Ecclesiastical*, in all *Suits and Causes of Instance, betwixt Party and Party, and all Causes of Correction, and all Causes of Bastardy or Bigamy or Inquiry de Jure Patronatus, Probates of Testaments, and Commissions of Administrations of Persons deceased, and all Acquittances of and upon, accounts made by the Executors Administrators, or Collectors of Goods of any dead person, be from the first day of July next following, made in the name and with the Style of the King, as it is in writs Original or Judicial, at the Common Law ; And that the Teste thereof be in the name of the Arch-bishop or Bishop, or other having Ecclesiastical Jurisdiction, who hath the Commission and grant of the Authority Ecclesiastical immediately from the Kings Highness ; And that his Commissary, Official, or Substitute exercising Jurisdiction under him, shall put his name in the Citation or Process after the Teste.*

Furthermore, be it Enacted by the Authority aforesaid, that all manner of Person or Persons, who have the exercise of the Ecclesiastical Jurisdiction, shall have from the first day of July before expressed, in the Seals of Office, The Kings Highness Arms decently set, with certain characters under the Arms for the knowledge of the Dioceses, and shall use no other Seal of Jurisdiction, *wherein his Majesty*

jesties Arms be ingraden, upon pain that if any person shall use Ecclesiastical Jurisdiction (after the day before expressed) in this Realm of England, Wales, or other his Dominions or Territories, And not send or make out the citation or process in the Kings name, or use any Seal of Jurisdiction, other than before Limited, That every such Offender shall incur and run in the Kings Majesties Displeasure and Indignation, and suffer Imprisonment at his Highnesses will and pleasure.

Now, *what is there in all this* that should make a man loth to act in the Name and Style and Seal of the Kings Majesty? (and not in the old method, when a Priest was the head of the Church) if there were not something in the hollow of his Heart?

They *do not pretend* (as aforesaid) that their Spiritual-Courts are named in Gods Word, if therefore they be the Kings Courts, what, in the name of goodness, makes them unwilling that their Processes, Citations, and Summons Ecclesiastical should not (as other Writs Original or Judicial, in the Kings Common-Law Courts) run in the Name and Style and Arms of the Kings Majesty?

Edward 6. was the first Protestant-King since the Reformation; For though King Henry 8. (as I said) Reform'd the lustful Monasteries, yet he neither reform'd his own life thereby, nor his Popish opinions. But his Son was likely to be a happy Instrument of good to this Nation; Whatever Doctor Heylin (the darling Advocate of some Bishops) have had the Confidence to Print to the contrary, who in the Epistle before his (pretended) *History of the Reformation*, expressly affirms---That he cannot reckon the death, of King Edward the Sixth, for an Infelicity to the Church of England; How Sir! was it not an Infelicity to the Church to lose such a King? To have the hopes of a glorious Reformation nipt in the very Bud? To have a fearful deluge of Blood and Idolatry rush in upon us by a Popish Successor? But what will not the Craftsmen of Ephesus say, when they fancy their Shrines in hazzard? And how ready, alas! are such as think Lordships, and vast Revenues, and dominerig power the Churches, *only Felicities* to Reproach and Scandalize (even in Sacred Princes) the clearest Innocence, and the most solid Piety, and the brightest Zeal? But God be thanked this Censure of Noble King Edward of Blessed Memory, is but one Doctors opinion, and I know not an other honest Protestant at home or abroad that will subscribe to it.

The very first Statute that the Parliament made (as I said before) in this good Kings Reign, was this that we are now considering, (except one only concerning the Blessed Sacrament, and receiving it in both kinds, with which they as piously begun, and their next work was this Regulation of Spiritual-Courts.)

For it seems very absurd that if the Ecclesiastical-Courts be the Kings Courts and not the Prelates-Courts (which they dare not in plain words deny) That the Writs thence Issuing should not be in the name and style of the King, the Ecclesiastical-head as well as the Temporal.

Nevertheless, never since King Edwards Reign, could the Prelates be persuaded to act in the Kings Name, but in their own.

Every thing would gladly be Independent, and Noon Substantives, And, like reeling Drunkards, scorn to be held up, though they cannot stand by themselves.

And though this Statute was Repeal'd in the next Reign by a Popish Successor, yet King James in his first Parliament (In the first year of his Reign)

reviv'd this Statute, by making void the Force of that Statute, 1 Mar. 2. which had long held it under *Restraints* and made it *Motion-less*. But those bands being Loosned (by Repeal of 1 Mary 2. in and by virtue of the Statute *prim Jacobi* cap. 25.) It was thought to be reviv'd by the two Lord Chief Justices, at the first; in the fourth year of King James. But, when the Lord Chief Baron and other Judges had consider'd the *Prejudice* that might redound to the Kings Subjects if some Diocesses had no Lawful Bishop, and consequently all the Priests ordained by such Bishops (at least) as were made since the first of the King, namely, the three last years, must be *Illegal Priests*, and *Illegal Bishops*.

And many other Inconveniences must ensue, if the 1 Edw. 6. 2. should be deemed to be in force, to the great Scandal and Impeachment of his Majesties Justice, which, together with the great Influence the Bishops had at Court (In the three last reigns,) together with the Terror of the High Commission Court, The business was *Hush'd up*, pretending that it was repealed and bound down with a three fold Cord, (as Coke is pleas'd to phrase it, 2 Inst. fol. 685.) or three after Statutes, viz. 1. first, by 1 Mar. 2. Secondly, by 1 and 2 Phil. and Mary 8. Thirdly, By 1 Eliz. 1.

And if any one of these do but hold, the Statute of 1 Edw. 6. 2. must stand Repealed; But as drowning men lay hold of any Root, or knubs (though under water, and does but help to drown'd them) so men that are plung'd into a Necessity to hold the Conclusion, they are very willing to gain it, upon any Premises, how sophistical soever.

Nelson in his late Collection of affairs of State, fo. 763. undertakes to recite this Consult of the Judges. 4 Jacobi, as (he says) he finds it in the Paper Office, and tells us, That the being of this Stat. 1 Edw. 6. 2. in force was Long stuck upon, but A T L A S T an Answer was found—So that it seems there was much longing and abundance of seeking for an Answer, that is to say, for any plausible pretence to avoid this Statute, and at last and with much ado, something (as good as nothing) was found; for he furnishes us but with two of the very same too weak Cords which Coke mentions.

For some thought they were hard put to it for Arguments against the force of that famous Statute, when they fly for help to the two last Cords or Ligaments to bind down that Statute, which they Trembled to think might be of terrible Consequence, (if it happen to be in force) notwithstanding the Strength of the said Cords and Ligaments, none of which seemed to have any the least Power Imaginable to do the feat, if men were not very willing to believe it, except the first Cord, namely 1 Mar. 2. for that does expressly and by name repeal 1 Edw. 6. 2.

And indeed if it had not expressly and by Name repealed it, It could never have been repealed, if, (what Lawyers say) be true; That no Statute can be Repeal'd but by another Statute, and that expressly and by Name; or be contrary to the former Statute.

For if Wyre-drawn Consequences and Inferences might Repeal a Statute, the Subjects would never know when a Statute is in Force.

For let but a crafty Lawyer with an oily glib tongue use his skill, and he may with Strains of wit, and stretches and Inferences and far-fetcht Consequences and oblique Reflections, make such a Clash among the Statutes one against another, that none should seem of force, that a cunning Consequence, driver had any picque against.

But, our Kings and Parliaments have always been more tender of the Validity of their Laws, then to leave them Tattering thus at the mercy of every Inference-maker,

Especially

Especially, when they draw *in* Inferences and Consequences as could not possibly enter so much as into the minds and Cogitations of the Law-makers, when they enacted and made a Statute.

And this is so clear a Truth, and evident to every man that has but common sense, that more needs not be said to it.

For it would be of most dreadful Consequence that the Statutes should be so flexible as to be made a Nose of Wax of, to stand thus may one day, and that way another, just as Mr. Consequence-maker is feed to set them.

The Dissenters (for their money) might find cunning Lawyers enough (perhaps) to defeat the Act of Uniformity, and Repeal it, if Far-fetched Inferences and Consequences would do the feat.

But, God forbid, that the Laws of England should have nothing to stand firm upon, but such slippery ground, made such by an oily Mouth.

If we cannot find 1 Edw. 6. 2. repeal'd but by Consequences and Oblique Inferences, we shall make base Tinkery work on's, and to patch up one hole of evil Consequences, make two of Consequence twenty times more dreadful and pernicious.

Therefore the best Cord, and that which seems most strongly to make void and of none effect the said Statute of 1 Edw. 6. 2. is indeed that which can never be deny'd, namely, that the same is expressly and by name repealed by 1 Mary 2. There let it stand on lie bound for ever, except we can find its Ligaments and Shackles taken off, and again set in its pristine Liberty, Vigor, and Splendor.

But, as to those two latter Cords that they pretend bind it down for ever by Repealing it, they are thought (by wise men) so trivial, that they are not worthy any consideration: and that they were surely sore put to't for shifts, that made them of such over-wear.

CHAP. IV.

For how (in the name of Prudence) could it enter into the thoughts of wise Legislators, to kill a dead Horse? Could the Parliament intend by the 1 and 2 Phil. & Mar. 8. to repeal 1 Edw. 6. which was repealed already, and made void but the very year before, namely, by 1 Mar. 2. They could not forget it, it was so lately done; nor can they be accounted so silly as *Actum agere*, and make Laws against Non-Entities. The Learned Judge Hobart uses Hobart in a like Argument to prove that the King shall have (not only the Estates (In Case Sheff. field vers. Ratcliff. Fee) of Traytors, (Estates in Tail being not by the Statutes (31 Hen. 8. & 33 Hen. 8.) by name given to the King, yet) also Estates in Tail why? because there being but two sorts of Estates of Inheritance (namely in Fee, and in Tail) and the Estates in Fee of Traytors being forfeit and given to the King by the Common-Law, Those Statutes shall not be presum'd *Actum agere*, but shall reach, the other Estates in Tail, which the Common-Law did not reach.

And by like reason, since 1 Edw. 6. 2. is not so much as mentioned or named in 1 & 2 Phil. & Mar. 8. except by Inferences and Fetches, deduced from the Stile and Latitude of those words.—All Statutes made against the See of Rome Repealed; There is Life in a Musle. For the said Statute did not think sufficient for their Repeal by General Words, but do therefore name particularly and Expressly what Statutes they mean to Repeal namely, 25 Hen. 8. 9. & 24 Hen. 8. 12. with almost a score more, (amongst which, my dear

Statute of 1 Edw. 6. 2 is *not Named*) and therefore can never be repealed thereby, nor could be intended to be repealed thereby.

But, some have said, that there are (in 1 & 2 Phil. & Mar. 8. *express words*) that do Repeal by *Consequence* the Statute of 1 Edw. 6. 2. namely these words,

And the Ecclesiastical Jurisdiction of the Archbishops, Bishops and Ordinaries to be in the same State for process of Sutes, punishment of Crimes, and Execution of Censures of the Church, with knowledge of causes belonging to the same, and as large in those points as the said Jurisdiction was in Anno 20 Hen. 8.

To which it is readily answered, That the Ecclesiastical Jurisdiction was thereby made *Valid and Powerful* as it was in Condition and State, as to Process of Sutes, Censures, &c. In the 20 of Hen. 8. And yet the manner of their Processes as to the Name and Stile might well enough differ.

For no man can *rationaly* say that the Process of Suits, punishment of Crimes, and execution of Censures of the Church are not in the *same State* all over London; yet the Processes of Suits run not in the same name and Style, but sometimes in the name of the Bishop, sometimes in the name of his Arch-Deacon, sometimes in the name of the Vicar-General, sometimes in the name of the Official, &c.

Therefore this *far fetched Inference* (strained and stretcht) is too *short* to reach a Blow, or so much as to *touch* that part of the Statute of 1 Edw. 6. 2. concerning the use of the name, style, and Arms, in the Citations and Processes Ecclesiastical.

Nay more, It is evident (also) that the Popes *Authority, Supremacy,* and re-establishment might well enough *coincide* with the use of the King's Name and Style, in Processes *Ecclesiastical*, as well as with *Exton's name,* or *Pinfold's name;* or any *Lay-Commissary's name* in the Time of Popery.

If you *say* out the name of the King's Majesty in a Writ or Process *is* an *Avow or Tacite Recognition* that the Courts Ecclesiastical *are* the King's Courts; I readily grant it, and therefore, it argues the *more strongly* for the reasonableness and great Expediency of that Statute, that well enjoyns His Majesties Name, Style and Arms in Courts Ecclesiastical, *If they be the Kings-Courts Ecclesiastical, and His Majesty Head of the Church,* as he is of the State.

This Statute then of 1 and 2 Phil. and Mar. 8. does not so much as by *Consequence* repeal 1 Edw. 6. 2. Yet I well know what my Lord Coke says to it, and do better know that he *durst say no other then* he did, so terrible then were the Prelates, *looking bigg and formidable* in their High-Commission-Court and Starr-Chamber.

Coke Mag. Chart. p. 683. Otherwise, a man of *his sence and acute reason* could not have talkt (as he does) of the dreadful *Consequences*; if that Statute of 1 Edw. 6. 2. be in force, *to the Infinite Prejudice of His Majesties Subjects in cases of great Importance, and to the Scandal and Impeachment of His Majesties Justice, &c.*

For *to secure the Scandal* and all the dreadful Consequences, before the Reader has turn'd over many more Leaves of this little Tract; if the Oracle of the Law, the Learned Coke be not mistaken. And if the Bishops (in 4 Jacobi) had not had somewhat else at the *bottom* (which I care not to name) we should have had and still have as good Bishops and Priests as ever we had, if that be all the Objection, that the Statute of 1 Edw. 6. 2. (as to the use of the name and style of the King in Processes Ecclesiastical) will make us loose our Priests and Bishops (God bless us, we are not

so lost and undone as yet; if (Coke be not out of his Law; in this particular; the Learned are affrighted warps.

But a Statute may by express words, in after-Statutes, be repealed in part and in a Branch, and not alwayes in the whole; as is easy to instance in many Crowding Presidents.

And, Coke says, the Arch-bishops and Bishops would all be illegal if they were made according to our Celebrated Act of 1 Edw. 6. Because

Though it be not repealed, yet the 1 Eliz. 1. reviving the Act of 25. Hen. 8. 20. is thought to vacate so much of it as concerns the making and constituting Bishops. Chart. p. 686.

And therefore King James his Bishops should not have needed to have been so scared and affrighted (as if the Sky had fallen) when the 1 Edw. 6. 2. was reviv'd by King James his repealing 1 Ma. 2. if the Lord Coke say true.

For Queen Elizabeth had secur'd his and her Bishops by reviving her Fathers Act concerning Bishop-making, in these words;

And at every Abordance of any Arch-bishoprick, Bishoprick, The King his Heirs and Successors may grant to the Prior and Convent (we have got none now) or to the Dean and a Chapter a Licence under the great Seal, &c. containing the Name of the person which they shall Elect and choole, &c.

A pretty kind of Election! for they shall neither will, nor chuse, nor dare to refuse him that is nominated in the Letters missive; yet it is called an Election though, although it be whether they will or no.

Bishops then stand in need (if Coke be not mistaken) to fear, but they are well enough made, I wish (with all my heart) that some of them were made better, for their own and for my own sake There's no harm nor scandal in this Prayer, I hope.

But still, what's all this to the contempt of the Statute of 1 Edw. 6. 2. as to the use of the name, style, &c. of the King in the Monitions Ecclesiastical, if that Clause (in 1 Edw. 6. 2. be unrepealed?

Why? it is repealed in effect (says the Lord Coke) by this Clause that Statute of 25. Hen 8. 20. as aforesaid, by 1 Eliz. 1. reviv'd, namely, in these words. Chart. p. 686.

And further it is Enacted, that every person chosen, Elected, Invested and consecrated Arch-bishop, or Bishop, according to the Form and Effect of this Act &c. shall do and execute in every thing and things touching the same, as any Arch-bishop or Bishop of this Realm, &c. might at any time heretofore do.

Thus the Lord Coke recites that Branch of the Statute, with greater prevarication then became a man of his Ingenuity, which herein far surpass his Integrity.

The Truth is, a great Lawyer, (and the higher he is staged) had need to be, of all others, a good man, like Roscius, of whom Cicero gives this Character, — *Roscium ita peritum dixit ut solus esset dignus qui in Scenam deberet intrare, ita virum bonum ut solus esset dignus, qui eo non debeat accedere*. Roscius was such a skilful Actor, that he (of all others) did best become the Stage, but so good a man withall, that it was a Pity he should ever have come there. Orat. pro Roscio. Rente aug. Sieno, de consensu Cvaugler. cap. 23. T. 4.

As the Learned Coke does quote the Statute, Arch-bishops and Bishops may, nay, they ought to say Mass, baptise our Bells, spit in our Childrens mouths when they baptise them, and a thousand idle Fopperies more they

they ought to do, if they ought to do in every thing, as any Popish Arch-bishop or Bishop might at any time heretofore do.

To the great Dishonour and *Disparagement* of the *Prudence* and *Wisdom* of Queen *Elizabeth* and her first Parliament, nay, and of all Parliaments since that time.

By *Cooks* Citation of the Statute to serve his purpose against the said clause of the Statute of 1 *Edw.* 6. 2. he opens a gap to let in *Popery*, or to let out the *Bishops* thither, if they please; if they must do and execute in every thing and things, as any Arch-bishop or Bishop of this Realm might at any time do, before the time of *Hen.* 8.

Story says that *Aesculapius* was struck by a *Thunderbolt* for taking *Immoderate Fees* for a Cure: and some men think that it was either *Covetousness* of a great Huge banking Fee, or *Fear* of loosing some Place or Office by displeasing the Bishops, that *Cook* did not fully and honestly recite the said Statute; For the true words are,

As any Arch-bishop or Bishop of this Realm, without offending the Prerogative Royal of the Crown and the Laws and Customes of this, Realm, might at any time heretofore do.

Which clause (by *Cook*) wilfully or weakly omitted and left out, quite alters the Case, and gives the Arch-Bishops and Bishops no power to act, do, execute, or Issue out any Processes Ecclesiastical, (as Popish Bishops used to do) in their own Names and Styles, sealed with their own Arms, and not the Kings Armes, because it is contrary to the Law and Statute of 1 *Edw.* 6. 2 And those Armes are usually *Papa in Cathedra*, as the Seal of my Court in the Soken of *Essex*, is the *Mitred Pope sitting in a Chair*; so that (still I say) The Kings Armes engraven in all Courts, would be a good Recognition that all the Ecclesiastical Courts, are His; and He Head of the Church; as the Popes Picture (of old Courts-Seales, (with the two Cross-keys in his hand,) did seem the Popes Supremacy and Authority as chief head of their old Ecclesiastical Courts.

But the second and third Ligaments, or Cords said to bind the force of this Act, (namely 1 & 2 *Phil.* & *Mar.* 8. & 1 *Eliz.* 1.) does not so much as touch upon 1 *Edw.* 6. 2. no not obliquely, much less do they repeal it expressly and by name; and least of all could it be any ways possible that the Legislators had the least thoughts to strike it dead by 1 & 2 *Phil.* & *Mar.* 8. or 1 *Eliz.* 1. when they knew it was dead and buried before by 1 *Mar.* 2.

CHAP. V.

His Beloved Statute then is got loose from the pretended shackles that *Phillip* and *Mary* or Queen *Elizabeth*, are said to design against it; alas they could not possibly be so weak as to plant their Artillery against a thing that the Queen had struck dead whilst she was a maid, a year before; they had not the least thought of it, I dare say for them.

Much less had Queen *Elizabeth* the least thoughts of destroying this Statute by any thing in 1 *Eliz.* 1. when they very well knew that it was dead or repealed by 1 *Mar.* 2.

And though 1 *Eliz.* 1. does obliquely glance at it, by making the old fashion of making Bishops Legal, in a Protestant Church; yet she does not empower

power (by a revival of 25. Hen. 8. 20.) any Arch-bishop or Bishop to *transgress* any Statute already in force, much less any Statute that should come to be in force after Queen Elizabeth was dead and buried.

Which is the very case here; For had Queen Elizabeth, as Queen Mary, (or any other King or Queen) by name (expresly.) Repealed this Statute; (with which Cords Learned Coke makes such a Pother to no purpose) yet, by his own Arguments all his Pother is an idle Pother, and nothing that King Philip and Mary, nor Queen Mary alone, nor Queen Elizabeth alone, nor all of them united, can do, is able to repeal 1. Edw. 6. 2. for ever.

For if an after-King and Parliament do but repeal their Repeal, the Statute Repealed gets New Life, and is born again; as Coke infallibly proves and affirms, in his discourse upon the Revival of this very Statute:

Coke 2d.
Instit. p.
685, 686.

For he says that by the Repealing of a Repeal, the first Act is Reviv'd; which is most true, for *remoto Impedimento reviviscit Statutum.*

And therefore the Force of this Statute, about which Coke does so puzzle himself with this Three-fold Cord, easily appears and Breaks loose; from any Tye that 1 Mar. or 1 & 2 Phil. & Mar. or Q. Eliz. could possibly shackle it and fetter it with; which Shackles shall bind no longer then till they or some of the succeeding Kings and Parliament do unbind and take them off.

All which was soon done in the first of King James, in his first Parliament, Repealing by Name 1 Mar. 2. that by Name had Repealed this Royal Statute (so advantageous to the Kings Supremacy and Prerogative Royal) and also thereby (through its Revival) Virtually Repealing all Precedent Statutes, whether of Phil. & Mar. or Mary, or Queen Elizabeth, that went before it, if contrary to it; or in tanto. For in Statute Law (contrary to the Laws of Heraldry) The Junior always takes place of the Senior.

But the Arch-bishops or Bishops ought to have used their own names, Styles, &c. in their Processes, whilst 1 Edw. 6. 2. stood repealed, during the Reigns of the two Sisters, Mary & Elizabeth, and no longer (it seems) then till *Primo Jacobi* It was revived.

The only difficulty that ever I could find that seem'd to question the force of this Statute of 1 Edw. 6. 2. Is its Repeal by 1 Mar. 2. which though its self be Repealed by 1 Jacobi, yet the 1 Edw. 6. 2. being not revived by Name, therefore some doubt its vigour, though the Force it lay under, be quite taken away. Because (say they) It is not reviv'd in exprefs words by 1 Jacobi. But the Lord Coke makes no difficulty at all of that, for he has these Words on this very occasion, namely,

It was strongly urged and enforced, &c. that all their (the Bishops) Process and Proceedings being in their own Names, Stiles, and Seals, (where by the said Act they ought to have been in the Kings Name) and under the Kings Seale were all unlawful and void. (Ay!)

And to prove that the said Act of Anno 1 Edw. 6. was n. w. in force, They alledged that this Act of 1 Edw. 6. was Repealed by the said Act of 1 Mar. above mentioned, which Act of Repeal being Repealed by the said branch of *Primo Regis Jacobi*, consequently the said Act of 1 Edw. 6. was thereby revived.

For when an Act of Repeal is Repealed, The first Act that was Repealed is Revived. -- A plain Case) *Remoto Impedimento Reviviscit Statutum.* And herewith agreeth the Book-Case in 15 Edw. 3. Tit. Petition Placit 2. And this is true, and cannot be denied. Thus far Coke.

Why is it so? Then truly I think 'tis no great sin to be of my Lord Chief Justice Pemberton's Opinion, (I mean) whilst he was at the Bar, urging the force & Validity of this Statute, in Mr. Wealds Case of Much-Waltham in Essex, moving with Mr. Rotheram for a Prohibition against the proceedings of the Ecclesiastical mens Process against Mr. Wealds, because their Process against him run in their own Names, & sealed with their own Seales, and not the Kings-Arms. But, because Sir William Scrogs nestled, and nestled, and scracht his Head, Sir Francis Pemberton (it seems) easily perceived his Disease, and therefore see-

med to Compassionate the Lord Chief Justice *Scrogs*, by saying, My Lord, I have urged the Statute of 1 Edw. 6. but I will not be warm upon it, because I perceive your Lordship is not prepar'd at this time to give it an Answer; or, he used words to the like effect, in Presence of above an hundred Witnesses.

The Truth is, the time Sir Francis Pemberton urg'd this Statute, was Parliament-time; no very seasonable time for a Judge to declare a Statute to be null and void, that never any Judge as yet did upon the Bench take upon him to do; since 1 Jacobi reviv'd it, by Repealing its Repealer 1 Mar. 2.

And truly whilst Ecclesiastical-Courts did little else but prove Wills, and now and then get a few crack't Groats from a poor fearful Church-Warden, (rather than contend with them) and some such little business, most men pass them by through contempt: As not daigning to trouble themselves with meddling with them; though in that little they did, They oppress (and still do oppress) His Majesties Subjects most impudently, by extorting excessive Fees, in despite and defiance of the Statutes to the contrary; Impudent Registers!

But there is this to be said for them, by way of Apology, That when they give some hundreds of Pounds for the Sell-Souls-place, they must make their money of Sins and Souls; which yet is contrary to their own Canons.

Lynwood
L. v. Tit. 2.
cap. pre-
terea.

I profess, I have many times long together been puzzling my self by studying what those Ecclesiastical-Fellows in their Ecclesiastical-Courts are good for, or what one good thing they do; every Creature of God is good for something; but, now I think on't, they do not pretend to be purely of Gods making, (there's nothing in holy Scripture that is alike to their Constitution;) nor (by what has been here said) will any man that I know venture to say they are purely of the King's making Legally, if they live in defiance of the Kings Laws, and refuse to use the Kings Name, Style, and Seal, in their Processes Ecclesiastical, enjoyned by the Statute: I have been in Popish Countreys, and there I have seen a Crew in many things like them.

But, (God knows) we Protestants do unanimously declare against Implicite Faith, and yet, the Ecclesiastical Jurisdiction, from the first Citation to the end, namely to Excommunication and the jail, is much carried on by Implicite Faith.

For the Judges believe the Bishops Significavit, and Arch-bishops Significavit, whilst they, (good men) signify a man Excommunicated, and yet never heard one word of the merit of the cause; but the Judges believes the Bishops Significavit, and the Bishop believes the Registers Certificavit; which unavoidable comes, if you do not stop the Registers hand with money, to his content: Oh sad estate of Christianity! Christianity?

God bless the King, and Parliament (when it sits, I mean) and by all Tokens it is probable, that they'll soon resolve these Riddles; and (also) not admit palpable Symony and Hypocrisy, to Provoke Gods Wrath and Judgments upon the Nation, by making holy Ordinances and Ordinations vendible, and Gospel-Keys (of binding and loosing) (once another Gift of God) a money-business, or Political Engine, to take away men's Franchises and Votes, when there is no other way to deprive them thereof.

I cannot think that Christ entrusted Anathemas to his Disciples to play them so frankly at a bold Rate fast & loose; He that eats & drinks unworthily, that is (to a Politick, Carnal End) eats and drinks his own Damnation; and he that opens and shuts Heaven and Hell-Gates, binding and loosing, using the Holy-Keys unworthily (that is) for low, politick, Carnal-Ends) uses them to his own Damnation; God will not be mocked.

CHAP.

CHAP. VI.

I Doubt not but all that Read this, must say, that in this Tract I have done their business already, to all intents and purposes.

A Law may sleep, a Statute may lie Dormant, as did the Act of Uniformity whilst the King's Act of Indulgence (according to his Royal Word, and Promise from Breda, facilitating his Return) did last ; but though, Laws may be husht and lull'd asleep, awhile, nay, a long time, yet, (if they be not quite dead) woe be to him that tramples on them ; for the Laws of England are so sacred that (it has been observ'd) they have been too hard for any man, at long run, that durst oppose them, withstand them, or stand in their way, the Laws are (called) the Subjects best Inheritance.

I remember part of Sir Harbottle Grimston's speech (in Parliament Anno 1640. concerning Spiritual-Courts) was to take notice of an Insolence of theirs much alike to what has been heard of in other cases ; namely, under a Religious Pretext to meddle with mens Franchyses, Charters, and Priviledges, as English-men ; for, says that Loyal Gentleman and true English-man, speaking of the Lambeth Canons of 40. and the Synod then there—

Coke 2d.
Instit. p. 63.

'That the Synod called together upon pretence of Religion, took upon them the boldness out of Parliament to grant Subsidies and meddle with men's Free Holds.

Oh ! How dishonourable is it to any Religion to palliate so much venome as under a notion of a Gospel Ordinance of Excommunication or the like, to design to make men incapable of a Vote, or Freedoms, Franchises, and Charters, especially if they seem to be afraid of nothing so much as that some should conform, and consequently be capable of as many Priviledges as the Debauchee, or prophane Libertine.

Mr Grim-
ston's speech
in Parlia^{ment}

Christianity do you call it? more like Ely's Sons, or Simon-Magus, Oh God ! may not such well dread thy Vengeance? Christianity do you call it?

The wisest of all the ten Persecuting Emperours was Dioclesian, whose Conscience so tormented his Breast, for Persecuting the Christians, that he threw the Diadem from his hated head, and hid it in a Garden, in the obscurest Py-corner of the World.

But, the Horrour of Nero's Visage is by Suetonius rendred so tremendous Suet. Ne- to behold (after he vented his Cruelty upon the Christians) that it would ro. make a mans Hair stand on end, to view him, extantibus vigentibusque oculis usq; ad horrorem visentium, with ghastly Looks and frightful Eyes striking Horrour in all that saw him ; such was the Fate of this Persecuting Atheist, Religionem usq; quaq; Aspernator, as Suetonius calls him ; a Contemner of every thing that lookt like Religion.

And such are the brood of Simon Magus, that make use of Religion (which is intended for the Salvation of mens Souls) only to the destruction of their Bodies, and Estates.

Simon? (quoth he) no Simon Magus was not thus Impudent, he did his business (indeed) namely, the money business, and to be ador'd and Reverenc'd (forsooth) But, he did it, by juggle and sleight of hand ; but, the Son's of Eli and Symonists, (like Ghosts long enur'd to walk) appeared at Noon-day did take purses before mens faces, Swagger, Curse, Anathematize, Damn, & bluster ; In good time they were charm'd down? In Nomine Domini? Amen.

If ever you were in Spain or Portugal, (as I have been) tell me what Monkey or Baboon is more contemptible, than a sneaking, perjur'd, Hypocritical, Ecclesiastical Property of State?

What more Ridicule, then a fawning Spiritual Sycophant in Antick-Dress, cringing with his Pin-Buttocks and hallow-smiles, upon a Whore
Atheist

Atheist or Renegade, that do but scoff at his ghastly Habilements of uncouth Guize and Shape, Portentous and Prodigious? *Risum teneatis Amici?* could ye have held from Laughing at the *Holy Mymick*. Or could ye forbear smiling to see a bigotted Fop (*old or young*) throng and crowd to kneel for the benediction of an empty Palm, or Lecherous and *Simoniackal Clutches*.

Whilst the gawdy Hypocrite smiles in his *Py-bald Sleeves* (The Trophies (possibly) of *Smock-Simony*, *Pandarisme*, *Flattery*, or *Bribery*.)

C H A P. VII.

Cambdens
Eliz. lib. 4
Anno 1602
45. Eliz.

*Fox. Acts
and Monu-
ments.

O H! what a frightful, *Heathenish*, (nay more,) *Popish* and *Barbarous* sight it is to see a *Bishop* lyke *Eugenius O'Hegan*, Bishop of *Rosse*, who (siding with the *Tories*) was slain by *Captain Taffe*, and in a most ghastly and *un-Bishop-like* Posture found Dead with a *Breviary* (his *Common-prayer-Book*) in one hand and a *Sword* in the other! like to the Bishop of *London*, that * *Lecherous Bonner*, who was a fool to boot.

For, if he had had any Brains in his Skull, considering (more especially) the crazy foundation he stood upon, and the slippery Hold, that hung onely on the slender Thread of the *Queens* life, he would not have disobliged the generality of Mankind by the cruel methods of himself, and his *Imps*, delivering men to the Devil, Jayl, and Torments, by *Sboals*, and in gross, and releasing them as fast for money.

For *Pluto* loves Riches, yet he never teaches his Servants any Wit, but only so much as he teaches *Witches*; just enough to do mischief when God permits them the power a while in their hands, that the malice (which lies in their Devilish hearts) may be the better known, and so bring them the sooner to their End.

For *Witches* and *Persecutors* never had Wit enough (since the World was) to be wise for themselves.

For if *Bonner* had not been a fool, he would never have been the Devils *Prime-Tool*, and the *Jaylors* best Friend, and thereby (also) the *Queens* greatest Enemy, and the best Friend that her *Protestant Successor* found.

For there was never a poor Soul that *Bonner* deliver'd to the Devil and the Jail, but lost the Queen a Thousand hearts; all which her *Protestant Successor* found ready Prest for her Service.

For a Prince that, by ungrateful methods, has lost the hearts of the Generality of his subjects, has lost his best Life-guard and strongest Fort.

So much the greater loss, because Irrecoverable: for Oppressors, and Faith-breakers, and Promise-breakers, can play no after-games; because (like broken Merchants) their credit once crack't, no body will trust them.

This was too evident to *Queen Mary*, who contrary to her own natural Tenderness, was push't on to harsh & ungrateful Methods by the Instigation of the furious Priests, who seldom prove fortunate Counsellors to a Prince.

For, thus, by their *Tantivee-leasings*, (onely to uphold their *Spiritual-Tyranny*, *Pride* and *Pomp*) she, by loosing her Peoples hearts, broke her own, more than did the loss of *Calice*, or the coldness of King *Philips* affection towards her.

All this wrought well for her *Protestant Successor*, whom the major part lov'd and long'd for, wishing onely for an occasion to show their devotion.

Nor does the All-seeing Providence long adjourn such occasions, as here fell out, by the *Queens* sudden and unexpected death; Oh Monstrous! To see how *Bonner* look't then, and all the little gang of *Politicians*! The *Queen's* death breaking the heart of *Cardinal Pool*, who dyed three hours after he heard the news; though some think that sorrow alone, (without some other drug) could not have dispatcht him so suddenly; Thus the poor *Levite* (*Aspiring Woolsey*) also is said to hasten his own death by a *Masterless-Purge*, when his *Tottering-state* (which is nothing but *vicissitudo*) turned.

But, to return to my other *Ecclesiastical-man Bonner*, who had never a Friend in Heaven nor on Earth:

Such

Such a thrifty Trade is Persecution of men's Consciences, whereof God alone (as King Charles the first sayes) is the King.

Nor will any man be of the *Persecuting Trade*, but he that is more fool than Knave; for, as it broke the Spanyard by loosing him the Low-Countreys, so it breaks every man that (as yet) ever followed the Trade; whatsoever Politick-Roger does observe to the contrary.

Besides, it is a Trade as uneasy as accursed, for it is hard kicking against the Pricks, or fighting against the King of Consciences: Let Atheist go on, as Bonner did; there was no perswading him to the contrary: he would go on; What should a Body talk? Go, Bray a Fool in a Mortar, yet will not his Folly depart from him.

That very Fool was, the Bishop of London, the said Bonner, for, if he would have bang'd himself, he could not have done the Martyrs more good, than by his Hellish Methods, sending them the sooner to Heaven, and himself (without Repentance) the sooner to the Devil, by his Cursed Work of Excommunicating, Jayling, and Halling men to Torment, sometimes of one kind, sometimes another; nay, the unclean Wretch took pleasure in whipping Pretty Boys Buttocks, fumbling at them with his Episcopal Palms.

'Tis true, Queen Mary could not have got (seek England through) a Meeter Engine for Persecution; for he was so much a Fool that he had only Wit enough to be A cursed, Cruel, implacable Knave, and the State's-Fool.

For which employment he was the fitter, because he had been at Rome, (perhaps for the very nonce) to be the more accomplished Persecutor.

He being not only the Queens Puppet, but the Queens * Pocket-Pistol; for he was * Aprodia the Roaring-Megg of mischief, thundring out his Anathema's and Excommunications, ^{gins Canon} *Damm'em he cry'd*, or else, *take them Devil!* If they were Dissenters from Popish Superstitions and happened to be cited to his Spiritual-Courts, and yet he lookt as demurely as fillily (for I have his Picture) and he looks so like an Innocent, and yet like a Holy-cheat, or Religious Ape, being indeed the Pia-fraus of malice and wickedness.

In short, if I knew where this quondam Bishop of London's Tomb is, I would draw his Picture upon his Sepulcher, and expose his Loathsome Features to Posterity, by writing his Epitaph upon his Grave: (I have it ready.)

For he was the very Picture of ill-luck, as ever had the hap to be London's Bishop;

The States great Puppet, a Tool that Knaves do work with, call'd a Fool; being a meer property of State; and the very Compound of Malice and Non-fence, ana.

CHAP. VIII.

Let no Ingenuous Reader blame my style, as if it were too sharp and pungent on this occasion; He that considers the Vexations, Torments and Cruelties inflicted by that Bishop of London, will not wonder if they whet my Pen even to Exasperation; when I drew Bonners Picture in the foregoing Chapter.

You may see the Bishops Picture, in Fox his Book of Martyrs (if you think it resembles him so well as this that I have (as aforesaid) drawn for him.)

Did you ever see any Body like him?

For Bonner was more Brute than man.

Yet more may be said in Excuse for Bonner, then for some others, that shall follow his Trade; (to wit) that Bonner had the Letter of the Law to justify his Persecution; and yet that Letter of the Law could not justify him, nor keep the Wretch from being undone soon after; For Cruelty and Persecution are all short liv'd.

But, I am sure, some Ecclesiastical-men have not so much as the Letter of the Law to justify their Sell-Soul-Trade, Oppressions, Illegal Fees, Vexations, Symony, and Extortions; wherein they are far less justifiable than vile Bonner.

Oh! Does our Bibles teach us Symony, or to take money for the Gifts of God that are not to be sold nor purchased with money?

Does Christ or his Apostles teach us to exercise Dominion (like the Princes of the Gentiles) and to Lord it over Gods Heritage?

Simon Magus attempted it, but to cheapen and ask the Price of the Gift of God, but did not actually sell it.

However we do not read that he intended to be twice paid: But it is contrary to our Canonical-Oath and your own Canons, to take or give money for Letters of Orders, Sacraments Institutions, Baptisms, Marriages, Burials, &c. and contrary to our Oath

against Symony? or selling or purchasing Gods Gifts! How are we *Plined*? What Oath have we sworn to keep?

There is yet one, (even most thumping) *Objection* behind and unanswered, which the Lord Coke seems to lay the greatest Stress upon, and did most prevail with the Lord Chief-Baron and others to get it bust'd down and laid; after the two Lord Chief-Justices could not deny but it began to be reviv'd and walk again, since 1 Jacobi, To the great Honour of the ruling Priests, Commissaries, Officials, Jaylors, Registers and Summers; for this Trade seem'd to begin to fail, but for one main Argument, or Cord that seem'd to bind it down again, viz.

Object. It would be a great Scandal to the Kings Justice (yea verily) if there had been no Legal Priests and Bishops made for three long years together, with other Inconveniencies (to boot) if the Statute of 1 Edw. 6. 2. should be in force, and therefore it must not, it shall not, it cannot be in force.

Ans. This *Objection* is like the *Rancounter* of a flayl, there is no ward (they think) no fence against it; and it is really so, if the Law of England be Club-Law.

Object. Was it a Scandal to have no Legal Bishops nor Legal Priests constituted for three long years, how great then would the Scandal be for 70 long years? say they.

Ans. But, (My friends!) a Consumption or Gangrene is never the better but the worse, more Inveterate, more noysome, more Dangerous, and more difficulty cured, by Continuance.

Did ever any man plead for the Expediency of an Ulcer because it was an old sore? Is not the Continuance thereof the ready way to bring it to a Gangrene? to the hazard of mortifying the part, and threatening (most formidably) the Hazard of the Vitals, and noble parts? Never did Illegality or a Disease plead Seniority rationally for its Justification. Is it a Scandal, and attended with great Inconveniencies? 'Tis granted, and it is too true: What then? What is to be done with it? that is the next question, and most necessary to be decided: Is it a Scandal? the more need there is of a speedy Removal of the Scandal, such an old Scandal: *σκανδαλον* (or Scandalum,) is a Greek word, and it properly signifies a Threshold or stumbling block, and (Metaphorically) all things that offend (or lye in our way) are called Scandals.

Now what shall we do with this block or Threshold, or Scandal? The Answer is most Easy; Lay the block or the Threshold at the right Door whereto it belongs and appertains.

CHAP. IX.

DOes the Revival of this Statute put us again into the true Protestant dress? does it take away the *Conge Desires*, and Elections thereupon, which 1 Edw. 6. 2. says, are in very deed no Elections, but (meer) Colours, Shadows, and Pretences of Elections, serving nevertheless to no Purpose, and seeming also Derogatory and Prejudicial to the Kings Prerogative Royal, &c.

Is the Kings Supremacy and Authority Ecclesiastical best asserted and abowed by his Name, Stile, and Armes, in all Writs, Original or Judicial, in Ecclesiastical Courts, as well as they are in Temporal Courts?

Then why should not Prelats and their Ecclesiastical Courts, conform themselves, and be as tender of the Kings Prerogative, Supremacy and Authority in Ecclesiastical as well as Temporal Causes and Courts, if they have not some Secret Reserve in the hollow of their Breasts? why should they not be for the King as well in things that thwart as well as in things that make for their Interest, if they be so Loyal in things that serve their own turnes, Interest, Power, Grandeur and Dominion?

Is it a Scandal? Remove it, lay it at the doors it properly belongs unto.

If they be not Legally Constituted, what then? why, then let them be Legally Constituted; and if there be the more Vacancies, there will be the more first-fruits and Fees for Letters Patents; They may the better afford it, if they have had such stately Revenues (so long) illegally; And what harm of all this?

Oh! (say some) A very great harm, this would be a Confession of Guilt, and a Confession of Sin, and error; an old Sin, an old Error:

What then? This is the first time that ever I heard that Confession of Sin was a Crime; Oh, but it argues such an Universal Error? why, whoever said the Prelats are infallible

in Spirituals, much less Temporal? we read of great Mischiefs that have ensued by their buzzing at Court long agoe, and busying themselves with Politicks, It had been much better for them, and for Princes too, that Bishops had kept themselves to their Bibles; And neither the World would have been so plagu'd with their Heats, which (like fire out of the Hearth,) it has sometimes Consumed then Warm'd; having done Mischiefe unspeakable, but what good? Now this (only) my own Observation, I learnt it from no worse man than a Bishop, nay an Archbishop, I mean Matt. Parker Arch-bishop of Canterbury, (in good Queen Elizabeths days,) who in his Book Intitl'd *Antiquitates Britannicae*, (speaking of the times of K. R. 1 and the Pranks of Hubertus Arch-bishop of Canterbury) has these words—*Neque enim si verum Judicare Volumus, in Republica Christiana quicquam sani, atque integri Seculum illud tulit. Fictaque et Adinbrata Religioni specie Proposita, totus Clerus in Sceleribus Muneribus, honoribus et Rapinis, Neglecto penitus Verbo, impune Volubatur. Hujus mali Origo ab hoc Profluxit, quod contra Orthodoxorum Patrum Decreta, Clerus Nimium Mundanis se Negotiis Immisuit. Nor was there, if we will Judge aright, in that Age anything left sound, or as it ought to be; in the Christian Common-wealth, for the whole Clergy under a feigned and outside form of Religion, did with Impunity Wallow (like Swine) in Wickedness, Briberies, Honours and Rapines, altogether neglecting the Word of God. The Original of all which Mischiefs was this, because the Clergy, contrary to the Decrees of the Orthodox Fathers, would needs be thrusting themselves into, and intermeddling with Worldly Affairs;*

Then he goes on to shew a fearful Example of Gods Vengeance upon one of them who had Clamoured up to a very high Office in the State, and closett that Relation thus—*Cujus Generis Exemplum circa proferenda sunt ut deterreatur a Vestigalibus Regis, et Civilibus, publicisque Occupationibus Clerus, et Evangelio Propagando precipue studeat ac Incumbat.* Examples of this kind ought to be Recorded that the Clergy may be deterred from hankering after Court-Preferments, and busying in Civil and publick Offices, and mainly Study and devote themselves intirely to the Propagation of the Gospel.

You are in the Right, Right Reverend! much in the Right—

They are Spiritual men, or should be; they are Divines; or should be; they are (like a Fish out of the Water) out of their Element when they meddle with Politicks, out of their Sphere, Inconsistent with their Office, and perhaps their Education, nor has God best them in such Undertakings; Away with them to their Bibles, and Common-Prayer-Book, Those are fitter and more becoming Tools, then Writs, Capiaffes, Labels, Declarations, Informations, Citations, Vexations, and Promotions.

It was Augustine the Monk (that first and worst Arch-bishop of Canterbury) that first brought the Plague into England from Rome; The Plague-Ecclesiastical of Avarice, Pride, Dominion, pomp and Popish Prelacy.

If ever Anti-Christ appear'd in a Single Person, none could ever show a better Title to him then this proud Parker Monk, Nor that ever did defile the Church of England with more Romish Filth and Rubbish, then he; *tiq; Britan* would it were clean swept, if any Noyesome Corruptions which he brought over with him be not taken away; and how beautifully it looks then? But the great Infection of his Plagues had not spread, but that he had such an Influence upon King *Edw. 1* and his Parliament. Anno 601.

He first got the Conusans of Tythes into his Ecclesiastical-Courts, as appears by the Statutes 13. *Edw. 13.E.1.t. 14.1. & 18. Edw. 3. 7. at the Request of the Prelats* (says the Statute) And that it use to be otherwise before, as the first words of the said Statute specifies; and *Inter leges Edw. Regis cap. 8. fol. 128.* which speaks of Tythes, It is said *Hec Predicavit Augustinus et Concessa sunt Rege, Baronibus et Populo, &c.* The King, Lords and Commons gave the Ecclesiastical men the Conusans of Tythes upon Augustin's preaching to them to that Purpose. For till the Statute of Circumspecte agatur, no Person could demand Tythes in Court Christian. *Decime sunt Spiritualitati Annua, says Bracton.* *Bract. lib. 5. fol. 401.*

They got the probate of Wills, and the granting Commissions of Administration by Statute, nay, they could not make a Will (by the Common Law) of their own Goods and Chattels, much less could they dispose of other mens Goods; so Linwood confesses too (who wrote in the Raigh of H. 6. Beneficiarius non potest Testari de Communi Jure (sed de Consuetudine) in Anglia. *Tit. de consuet. verb. nullus.*

Linwood Confesses the same concerning probates of Wills, they got them granted to them.

I name these things before I come for ever to overthrow this Last Thumping Objection, to let the Reader know that if it were not for probate of Wills, Tythes, and Administrations, (which by their horrible Corruptions and Extortions they have most Injuriouly Administred, if not forfeited) there needs not any Statute, no not this 1 *Edw. 6. 2.* to correct the Ecclesiastical Courts; and Ecclesiastical Fellows; for (some think) they must (then) either starve, or begg, or take a better Trade.

And therefore though the Statute of 1 *Edw. 6. 2.* should prove to be in force, what then? Why then they would keep no Courts at all, rather then keep them in the Kings Name, and not their own?

And what then? where's the Inconvenience, if the Kings Temporal-Courts again get the Conusans of Tythes, Probate of Wills, Administrations, &c. (the great Business (besides vexing Souls and Church-Wardens, and poor Parsons, and the Money Business) all which Vexations may well be spared) And then the Saddle will but be set again upon the right Horse, where it was handsomely set, Till the Government was Priest-ridden by Augustine that Covetous Supercilious and insolent Monk.

Object. Ay, but will some say, Cognizance of Tythes, Fornication, Adultery, Defamation, &c. are purely Spiritual things, and more concern the Soul.

Ans. But I say it is false; Tythes, Fornication, Defamation, do no more concern the Soul, then do other Injuries, and Sins, Murder, Felony, or Treason; no, nor so much.

Nay, Even as to Bastardy, in an action upon the Case, for calling one Bastard, if the Defendant Justify, It shall be tryed per Patriam, and not by the Certificate of the Ordinary.

Hobarts Cases. Next to Swan and Hollams Case.

CHAP. X.

Well (but will some say) you promise, in this Treatise before, that the first Branch of the Statute of 1. Edw. 6. 2. concerning the Bishop-making, might be sav'd by 1. Eliz. 1. reviving the 25. Hen. 8. 20.

And then if we can but keep our Bishops, and prove them to be Legal, they'll dispend (no doubt) at length with the old Romish way of Summons in their own name (as did the Bishops in the Reign of Edw. 6. for most of them were Popish Bishops in Hen. 8. Reign: Protestant Bishops in Edw. 6. Reign; And again Popish-Bishops in Queen Maries days; And if they conform so far to the Statute of 1. Edw. 6. 2. as to vouchsafe to use the Kings Name, Stile and Seals in their Ecclesiastical-Courts, you promis'd that the First Branch of 1. Edw. 6. 2. was vacated by 1. Eliz. 1. And they (consequently) Legal Bishops.

Ans^r. I answer, that I never promise any such thing in my life, though the esteem I have for Prelates, together with my natural Propensity to Lordliness, Ay, and my own Interest too, (being a Judge of an Ecclesiastical-Court, and sending Processes Ecclesiastical (all) in my own name hitherto (though if God and the King do but forgive my Sins past, herein, I will never do so any more; It is Imprisonmen enduring the Kings Pleasure, I confess, and to be in misericordia Regis for what all of us have done) might be persuasive motives thereunto.

But, alas! I can do no more (than I can) for our Ecclesiastical Jurisdiction, I must not dare (what-ever others do) to Impeach the validity of a Statute, seeming so long injur'd and looking so evidently in force, for fear of After-Claps. I said, indeed, that if Oracle Coke did not mistake himself and the Law, The Bishops and Arch-bishops were Legally made after the old Fashion of Conge Desire and Elections, (as in 25. H. 8. 20. Revived by 1. Eliz. 1.)

Coke in
Stat. 32.
H. 8. cap.
38. p. 686,
2d. Instit.

And he (also) says that if they were made according to the Act of 1. Edw. 6. they were unlawful. But, I never said any such thing, whatever I might wish or think: But Quere, whether the 8. Eliz. 1. does not do us a Courtesy if the King please; yet the 1. Edw. 6. revived after 8. Eliz. 1. Quere, whether it do not vacate it, as to Elections, or wherein it is contrary to it? Also 14. Car. 2. 14. consecrate us.

Nay, The Learned Coke seems to give an impregnable reason for that opinion of his; namely that all after and subsequent Statutes do vacate and make null and void all precedent Statutes that are contrary to them. And though the 25. H. 8. 20. be a precedent Statute to 1. Edw. 6. 2. and consequently was by the same defeated yet 1. Mar. 2. Repealing the 1. Edw. 6. 2. and 1. Eliz. 1. reviving 25. Hen. 8. 20. The Life of 25. H. 8. 20. Shall bear date only from the Date of its Reviver, (1. Eliz. 1.) which gave it its life and vigour, only by that Second Birth: and consequently is a Junior Statute, and takes place, of 1. Edw. 6. 2. otherwise the effect would be senior to its cause, but causa est prior causato; the Son can no more possibly be Elder than the Father, then 25. H. 8. 2. can be Elder than 1. Eliz. 1. which alone, gives it life, and is the cause of its being and motion: Therefore 1. Eliz. 1. reviving 25. H. 8. makes 25. H. 8. 20. an After-Act to 1. Edw. 6. 2. And nulls it so far as it is contrary to it; This is the Learned Cokes reasoning; and it is pretty well.

But if the Oracle had not warpt sometimes (as that at Delos by Demosthenes is said to Phillippe through the underhand-dealing with the Priests) so wise a man could not so Inconsiderately have over-shot himself.

For he needs no other Argument than his own to confound his said opinion; he stabs himself with his own Keen Weapon; which otherwise is irresistible; through rashness, Precipitancy, haste prejudice, or I know what.

For it is irresistably true, that 1. Eliz. 1. reviving 25. H. 8. 20. makes it a Junior-Act, and consequently to take place (contrary to the Laws as aforesaid of Heraldry) of its senior, 1. Edw. 6. 2.

Hobart's
Cases. Shet-
field ver.
Ratcliff.

Even as, in a Feoffment made of Land holden in chief to the use of such Person or Estate as the Donor shall give or dispose in his Will. Here the uses shall not operate by way of Feoffment, but only as a Testamentary Device; which cannot bear Date nor Life from the Feoffment, but from the Will (post-obitum Testatoris, nam viventis non est Testamentum). And yet the Feoffment is good (but only in Embrio, and without Life or motion) till the Will operate and give it life) And therefore in construction of Law (notwithstanding the Feoffment, which the Donor made in his life time, yet) he shall dye seized, and his Wife shall have Dower; because the Feoffment (notwithstanding its Date and delivery in the life of the Donor, shall be motion-less and life-less, till the Will gives it life and vigour.

So also, though it be said and truly too) That the First-Feoffment in Law defeats the second, and all After-Feoffments; yet, if a man (seized in demesne as of Fee) make Feoffment, as aforesaid, to such Person and Estate as shall be given and declared in his last Will and Testament and then afterwards make a Second Feoffment to A. B. and his Heirs; and then make his Will and dye, giving the same to C. D. Here C. D. that had the Second Feoffment shall have the Land; Because, in Intendment of Law, The Second Feoffment is the First Feoffment that has life and motion, whatever be the Date thereof. But (my Masters) Coke also says in the same Page, (and says true) that by Repealing a Repeal, the first Act is revived; The Truth whereof he undoubtedly confirms in the next foregoing Page p. 687. And this Stabbs and confounds his own opinion:

For 1. Jacobi reviving 1. Edw. 6. 2. the life and date of 1. Edw. 6. 2. shall be accounted only from the Date of 1. Jacobi the author of its Being, and the Father that gave it life and motion, knocking the Shackles off, wherewith Queen Mary had bound it; and consequently 1. Edw. 6. 2. being as young, fresh and youthful as Primo Jacobi, It shall vacate 1. Eliz. 1. 1. Mar. 1. and 2. Phil. Mar. 8. 25. H. 8. 20. And

All other Statutes made before 1 Jacobi, if they be contrary to this, I wonder what all my Brethren Prelates in England can say in answer to this: For the 1 Jacobi must be repealed before the 1 Edw. 6. 2. (which take its life and vigour from Primo Jacobi) can be vacated.

And if the Lord Coke had suffered himself to weigh this Argument by his own Scales, he would not have buffed himself with the three fold Cord, (he talks of) which is so easily broken, by the strength of his own Maxims of Law; *Sic sunt Facili rumpitur triplices Fasciculus.*

For 25. H. 8. 20. is yet in force, but that the 1 Edw. 6. 2. made it null and void by establishing a Junior and Fresher Constitution in the Room of that old Frame by Conge Officers and Elections thereon, which 1 Edw. 6. 2. calls Pretences, Colours and Shadows such, and derogatory and Prejudicial to the Kings Prerogative-Royal.

Which Prerogative-Royal (by clearing up the the vigour of this Statute that has long lain clouded and obscured by strange Arts) if I have surely vindicated, I hope no man will deny but I have deserved well of my King and Country. And upon the whole, if Cursed Cows happen to have short Horns, what Harm? What's the Scandal? or Inconvenience.

CHAP. XI.

Obj. **O**H! But still (say some) It must not be admitted that the 1 Edw. 6. 2. be in force: Why? Because the Judges have been of another opinion.

Ans. I answer, it does not appear that ever they judicially declared themselves to be of another opinion; some Judges have given their opinion, against it, extrajudicially; and so also some Judges (ten of the twelve) gave their opinions for the Legality of Ship-money to King Charles 1. And the same King in Parliament condemned the said opinion by Statute, as contrary to Magna Charta, The Petition of Right, and many other good Laws; Judges have been frail to their Ruine.

If Judges therefore will warp and give opinions against known Statutes, against their Oath, their Consciences, thereby breaking their own (as they have been said to break) the Kings Oath, They are the vilest of men, and do merit the worst of Punishments.

But, on the contrary, This is no, novel opinion; The choice Lawyers of this Land have declared themselves that this Royal Statute is in force, and not onely so, but that there is all the reason in the World that it should be in force, and that in acknowledgment of the Kings Supremacy in all causes and over all Persons, as well Ecclesiastical as Civil; There is all the reason in the World that Writs and Processes should run in the Kings Name in Ecclesiastical-Courts, if they be (indeed) his Courts, as are the Temporal-Courts, and kept in his name; and not in the name of a Commissary, Official, or I know not who; If (I say) they be the Kings-Courts, and he the Supreme Head Ecclesiastical, however the Pope has formerly usurped.

What a fine thing it is to have the Kings Subjects run and ride forty or fifty miles from their Houses, their Trades and their Families, upon the Summons of a Commissary, in his own name; which is none of the best names neither, (sometimes) however some names (abstracted from the quality of some that may happen to wear them) may by accident become Scandalous and Odious.

Revillack Murder'd His Majesties great Grandfather Hen. 4. the French-King; And in detestation or that villanous, treacherous, King-killing Fact, the Loyalty, Wisdom, Justice and Piety of France, enacted that the House wherein the Villian was born should be made a Dunghill, never to be rebuilt, but (as a accursed ground) laid waste; his Father and Mother for ever banisht, and all of the name of Revillack to change that King-killing name for some other, and a better: So sacred are the persons of Kings, that they are not to be touch'd in bloody earnest, without an eternal stigmatizing and brand set upon the Prophane A tempt to all Posterity; Nay, John Scotus lost himself because he would not loose his Jest, when the French King sitting on the one side of the Table, and Durus Scotus on the other (the King askt him merrily what was the difference between a Scot and a Sor? Scotus bluntly answered, The Table. If it be dangerous to play at T-cyles with Princes, 'tis eternally mortal to play at Sharps. And therefore I wish with all my heart too, that His Majesties Royal Ancestor the stout King Richard the second, had not been basely, cowardly, and treacherously Murder'd with a Back-stroke by an Exton; And if it had been in France, I doubt not but the Loyalty, Piety and Prudence of the French-men would have exterminated (not all the men that were called Exton) but in horror and detestation of King-killing namely they would have so abominated that King-killing name (as they did Revillack) that they would have obliterated it to all Posterity, and have made all the Extons in the Kingdom, change that King-killing Name for a better; that the loathed-name might (like a hateful Snuff) be put out and extinct to all Posterity.

But, if in contempt of that Royal Statute, of 1 Edw. 6. 2. and in defiance of the reason of that Statute, The Kings Subjects should happen to be cited in any such untoward King-killing name, and then be prosecuted, till they have satisfied and paid, the consequence cannot but be the more ungrateful, for that (once deservedly odious) name, especially since the 1 Edw. 6. 2. commands all Processes Ecclesiastical to be (all the reason in the World) in the Kings name, the Ecclesiastical-Head as well as the Temporal-Head.

And if the Prelates, and Ecclesiastical-men should not as industriously endeavour all manner of Legal ways to advance and avow the Kings Prerogative Royal as much as Lay-men, then they are very ungrateful, and ill deserve the Bounty so Gracious a King has confer'd so liberally upon them.

If this Statute has been long (I know not by what Arts, and yet I do know in part why it has been, hush'd asleep, and Scandal and Inconveniences may ensue, by its awakened vertue and force; the more shame for them that have been the true causes and Authors of so grand a Scandal and Inconveniences; lay the Scandal at the right door; Scandals and Offences will come (say our Saviour) but we be to them by whom they come. Now is there any Scandal or Inconveniences so great but the King and Parliament can readily avoid them, or compound them, and remedy them.

CHAP. XII.

YET can I not deny but that all Parliaments (since the Reformation) have been so jealous of the Exorbitant Power of Church-men (finding by woful Experience in the late High-Commission-Court granted by 1. Eliz. 1. what Ruefull Work was made) that they sent it down (with as much Celerity as they

they could) and by the same Statute (that repealed it) have branded it to Posterity; saving 17 Car. 1. 11. That it tended to the great wrong (mark that) and Oppression of the Kings Subjects &c. And though some men never had greater Hopes of Regaining that unhappy Power or some what like it, then by the long Parliament (falsely called) The Pensioners Parliament (for though there might be Judasses amongst them, yet as to the Major part of them never were there Wiser, nor Truer English-men) All that they could gain (by 13 Car. 2. 12.) was only to place their Ecclesiastical Courts in *Statu quo*, just as they were in 1639. without the Addition of any new power or any new Confirmation of them, but left their foundation as *Interring as they found it*, before the troubles commencing.

And truly they were, (with the frustration) so dejected, that no People were more scorned and neglected, and indicted for their Extortions and Oppressions; And yet, for many years, the Registers with a little Cipher at his Elbow or over his head called a *Surreptitious*, scap'd up a poor untoward living sometimes, catching what they could, with as little Noise as they could:

But now, with Contrary Politics (how wisely? let them look to it) they have grown so busy with the Kings Subjects, torturing their Souls, Purges, Liberties, and Estates, by their Citations in their own names, Certificants, and Significants, in their own Names, which ought (by the 1 Edw. 6. 2.) to have been under the Seal and in the Name of the Kings Majesty, and then upon such Significants (not sealed with the Kings Seal) have got the Writ de Excommunicato Capiendo, and then what Gratefull Works they made for the Jaylers, and Bum-bayliffs, is so notorious, that no man can wonder that men are deservedly razed to Examine their Præbends and Constitutions, and pry whether all be right within, when such ghastly ruzed ines appear abroad, that who can imagine that the good God ever gave them Commission to make havock of mens Souls, Liberties, and Estates; The Key of Excommunication seldom opening anything so soon as a Jail-Door, whence by the other Cross-Key of Absolution they were never delivered, without Money, money.

Nor is it for Church-men to Vapour long with Gospel-Ordinances, when instead of using them for Spiritual-ends, they abuse them to wile, bafe, and Sordid Designs, to fill their Pockets, and wreak their Malice. This Rapine in the Sons of Eli prov'd the Ruine of his house, for those alone that Honour God be will Honour, but those that despise him shall be lightly esteemed.

And how truly this threatening has been verified upon the Ecclesiastics, let any man speak his Conscience, & say, whether any sort of People in the Kingdom have been so contemned and lightly esteemed as they.

Not, but that, Contempts may happen to good men, and the Scorners be in the fault; but when the high Esteem is grounded upon the Avarice, Pride, Illness, Extortion, Malice, and Oppression of Church-men, it looks certainly like *Dignus Dei*, the just Judgment of Almighty God.

But if both King and some Houses of Parliament (once) did not like the Act for Uniformity, what Wisdom is it for men to be so fierce for the Letter of the Law? which yet I wish all men did obey, (as well as my self) whilst it is a Law; yet is it pleasing either to God or man, to knock mens brains out because they are blind or pur-blind, and will not go to Heaven along with us in our way?

A thousand ways there are to Church and to Heaven, as there are a Thousand lines from the Circumference to the Centre; and a thousand ways to London; I wish all men went my way, because it is the nearest Way I know, but if they will not, let them go their own, in Gods Name, why should we quarrel about the matter? If God and Nature would have had us Uniform, We had all been made alike, of one Stature, Size, and Complexion; but God and Nature seems so to delight in Variety, that there are scarcely any two things in the World Uniform: Nay, we Prelates our selves are neither Uniform amongst our selves, nor Uniform according to the Act, as I have sufficiently prov'd in—The Black Non-conformists; setting up and Observing Ceremonies that God never made, nor (yet) our so Celebrated Act for Uniformity: where's the Justice and Honesty to punish one Non-Conformist, and let another Escape Scot-free? One Prelate sets Candles upon the Altar, another sets none; one Prelate bows to the very ground where and when another stands up, as right as a dart; one Church Celebrates with all sorts of Musick, another with none at all. One Church Sings their Prayers, another reads them; one reads the Communion Service in the Desk, another at Church Sings their Prayers, another reads them; one bids men pray, one Reads his own Notes, another reads the Altar; one Prays before Sermon, another only bids men pray; one wears a Surplice only, another a Surplice and Hood, another neither of them; and 40 more such Instances. Now when these men dissent so from the Act of Uniformity, and are Dissenters also one from another, Are ye not Partial in your selves to prefer one Dissenter, and Jayl the other? Wo be to them that keep false Measures and Scales, and Ballances of deceitful weight, one to buy by, and another to sell by. The Prelates indeed have gained the Ascendant upon the Affections of the three last Kings; (which no man envies, if they make good use of it, and Legal use) Their Influence too has not been confined to *Westminster-Hall*, but has reach'd *Westminster-Hall* (I know it, God knows) but yet, their Influence seldom reach'd so effectually (further West) in the two Houses, as to gain over much of them there, in my Remembrance, or if they did, *Chronicles* are silent therein.

How therefore they now (of late) or why *In Nomine Domini*, or with what Policy they grow so violent, I cannot imagine; for if the 1 Edw. 6. 2. be in Force (of which to me there seems not the least doubt) I think we are in a fine Pickle, lyable to every mans Action whom we have Illegally vext, and damptified, and Imprisoned, through our Significants in our own Names; say, indeed, as I said, what Punishment can equal the Merit of such Mischief? such Epidemical and national Mischief? Though I doubt not but this little tract will do up our nails, that we shall scarce venture to scratch terribly hereafter.

And truly I think, and I would say it too, but that it is Immodesty to commend my own Modesty) that I have handled them here as Tenderly and Gingerly as if I had gone about to draw the great aking Toorb of the Nation.

ERRATA.

Page 1. line 27. for Summer Read Sommer. p. 3. l. 8. for spiritualia. R. a spiritualia. p. 3 l. 17. for judiciously R. ingeniously. p. 7. l. 1. for By Partially, Timidity, R. They declare the Kings Laws; by p. 4. l. 14. for Anger, R. Apery. p. 4. l. 23. for Embellishments, R. Embellishment. With many others.



PART II.

Query 21. *Whether any of the Canon-Law or How much of the Canon-Law is in force at this day?*

CHAP. XIII.

To which I answer briefly that it is undenyably true;

1. **T**HAT *All Laws of England* must either be *made* or *Confirmed* by the *Legislative-power*; and if they be not so made (as are the Statutes) or *Confirmed* (as is part (and but part) of the *Common-law* and *Canon-law*) by Statutes made by the *Legislative-power*, they are not *Laws of England*, and then cannot oblige the Subjects to Obedience.

For our King is our *Liege* (or *Legal*) *Lord*, and we are his *liege* (or *Loyal*) (that is) *legal Subjects*) because the *Laws direct his Precepts*, and our *Obedience and Duty*.

2. All the *Canon-laws* and *Constitutions*, whether *Synodical* or *Provincial* are now *Statute-law* (by 25 H. 8. 19.) so that they be not contrary to the *Laws of the Land*.

Hence it follows, that all *Canons* made since 25 H. 8. 19. and not made nor *Confirmed* by *Parliament* are not by this rule the *Laws of England*, and consequently require not our *Obedience* thereunto for that reason, whatever other reason there may be.

For the *Executive-power* of the *Laws* is in the *King alone*, but it has been accounted *Treason* against the *fundamental Laws* of our *Kingdom* and *Common-wealth*, to assert that the *Legislative-power* is in the *King alone*.

If it were, he needs no *Parliaments* when he has a mind to any *Money*, nor needs a *Parliament* to repeal a *Statute*, if he could do it without them.

But his *Will*, *Goodness*, *Justice*, and *Oath*, and *Declarations* do promise us the *continuance* of his *Rule* and *Reign* according to *Law*: And when by the *King's Declaration of Indulgence* he suspended the *Statute*, we were in a most uncertain *Condition*, not knowing what to trust to, having (according to his *Royal word* from *Breda*) *liberty of Conscience* (and by the *Indulgence*) one day, and lost the next; when the *Act* took place again, I say again; Then,

In nomine Domini then, how come we *Ecclesiastics* to *Command* and exact of our *Inferiours* *Canonical Obedience* to *Canons* neither made nor confirmed by the *Legislative-power*? but none were (since 25 H. 8.) so made nor confirmed. By what *Law* can we exact of the *Clergy*, then, an *Oath of Canonical Obedience* to those *Canons* that are not *Leges Anglia*, the *Laws of the Land*? and command likewise and admonish the *Layety* to *Subscribe the three Canons* (that vouches their *Hierarchy* and *Dominion* by *Archbishops*, *Deans*, *Archdeacons*, &c.) to be consonant to the *Word of God*, when the *Word of God* has not such a *Word* in it, (as *Archbishops*, *Archdeacons*, *Commissaries*, &c.) not a word on't; and this under pain of Ex-

A a

communication;

communication, and a worse turn (as some think) the Gaol ; these are *brave doings the while*.

When poor Clergy-men must *Swear Canonical Obedience*, else we will not InSTITUTE them to a *Living*, and then they must *Starve and Dye* ; for *Thrasht* they may *not*, *Farm* and *Trade* they may *not*, being *Spiritual-persons*, if they *Begg* they'l be *Whipt*, if they *Steal* they'l be *Hang'd*, (for all the be-
fit of their Clergy,) and if they take a *blind Oath* of *Canonical Obedience*, and yet do *not know what is Canonical Obedience*, they must be *Forsworn* ; as much as when they *Swear the Oath against Symony*, and *Obedience to the Canons in force*, and yet exact *Money for Baptizings, Burials, Marriages, &c.* all which are contrary to the *Canons whereunto they Swear Obedience*, (*Poor-hearts !*) but few of them (*surely*) *know those Canons*, or *know what they Swear to*, for if they did, they *durst not (surely) break their Oaths every day*.

Canonica Obedientia (*sayes Linwood*) *est Obedientia secundum exigentiam Canonum* ; *Canonical Obedience* is *Obedience according to the Canons*, (*meaning*) the *Canons in force*.

Those that are *not made nor confirm'd by Act of Parliament* are *not Laws*, nor are we *Sworn to Obedience to them* ; but those made before 25 *H. 8.* we *must obey*, (if they be not contrary to the *Laws of the Land*,) or be *Forsworn*, let me tell you, (*friends mine !*)

Now, it is not contrary to the *Laws of the Land*, though a *Bishop take no Money for Letters of Orders, Institutions, &c.* or if *Ministers Marry, Baptize, or Bury People without exacting Money*, but on the contrary *very pleasing to the Law*, which has provided *Glebes, Tythes and Offerings* for the nonce to pay us *once for all*.

Oh ! *What a Cage of unclean Birds are we*, from top to bottom ? *unclean, unclean ! Firmiter Inhibemus, ne cuiquam pro aliquâ pecuniâ denegetur, Sepultura, vel Baptismus, vel aliquod Sacramentum Ecclesiasticum, vel etiam Matrimonium contrahendum Impediatur* ; we firmly enjoin, that neither *Burial, Baptism, Matrimony, nor any Ecclesiastical holy Duty, or Sacrament*, be denied to any man, though he will not give a farthing for them.

And *Lyndwood* sayes, upon the *Text and Gloss*, nothing ought to be demanded or required for *Burial in holy ground*, whether in the *Church or Church-yard*, neither for the *Ground*, nor for reading the *Office of Burial*, the *Benefice* being enjoyed therefore by the *Incumbent* ; for the *Tythe-fleece* is given to the *Shepherd* for his hire, in full. And, if the *Priest* refuse to *Baptize any Infant*, or one of *Age*, except he give *Money*, the *Sin* be upon him, but the *Party desiring it*, though he dye *Unbaptized*, shall have the benefit of the *Baptism of the Spirit*, though he want *Water-baptism* ; *Nulla modo deberet pro Baptismo pretium dare, sed potius absque Baptismo Fluminis decedere ; suppleretur enim ei ex Baptismo Flaminis quod ex Sacramento deesset* ; men ought rather to want *Water-baptism* than give so much as a penny for it, because it is *Symony* (*sayes Lyndwood*) both in the *Buyer and in the Seller* ; how *thriving a Trade* does this *Law spoyl* ? except men *will persist in Perjury*, breaking their *Oath of Canonical Obedience*, in exacting *Money for Baptism, Burials, or Marriages*, of which last, (*Matrimony*) the *Ecclesiastical fellows drive a very subtle Trade* ; *Oaths are but Oaths* they think *surely*.

Dare vel recipere aliquod temporale pro spirituali Symoniacum est ; sive detur pro Sacramento, sive pro Officio, sive pro Oratione, secundum quod ly pro votat Ap- precationem.

It is *Symony* either to give or receive any *temporal Commodity* for a *spiritual commodity* ; whether for the *Sacrament*, or for the *Office*, or for the *Prayers*, by way of *contract, bargain and sale*.

*Liidwood. Pro-
vinc. l. 5. Tit. 2.
de Simonia.*

*Lynd. ibid.
verb. sepultura.*

*Lynd. ibid.
verb. Baptismus.*

*Concil. Pau.
Anglicum, An-
no 1236. Tit. 4.*

*Lyndw. ibid.
verb. impedia-
tur.*

*Lyndwood. Pro-
vinc. l. 5. Tit. 2.
cap.
Præterea vena-
litatem. Verb.
Triennalibus.*



It is Symony to exact Money for Sins; *nam Deus Omnipotens, cuius omnia sunt, pretium quodlibet pro delicto non accipit*; for Almighty God takes not any Money for Pardon of Sins; *nec pecunia recipiatur a subditis pro Crimine vel delicto notorio*; let no man dare to receive Money of their Inferiours for Crimes or Offences, be they never so notorious.

It is Symony for a Bishop to take above Six pence for Ordination, (which Constitut. extra-
va. Londini. Off.
10. Anno Dom.
1342.
Job. Stratford.
Archi. Cant. Six pence goes to the Secretary or Register for Wax, Parchment,) or to take above Twelve pence for Institution, Induction, Certificates and all; and against the Oath of Canonical Obedience; *Lord forgive us*, what will become of us?

For, *sicut non decet Episcopum manus Impositionem vendere, ita nec notarium, nec ministrum eorundem, nec calamum, nec ministerium venundare*; sayes the Canon, as a Bishop should not sell Letters of Orders, so neither should his Secretary, Registers, or Servants sell Quills, or Parchments, Pens, Inke or Wax.

Nam ordinarii suis tenentur ministris stipendia constituere, quibus debent merito contentari; pro sigillatione literarum, aut mareschallis pro Introitu, seu Janitoribus, Hostiariis, vel barbato uscribis, &c.

For the Ordinaries ought to pay their Servants their Wages to their content, and not make poor Priests (when they come to their Bishop for Ordination, or to other Prelates, like my self for Institution, Collation, Induction,) *pay the Porter* to let them in, and *pay the Porter* before they get out; neither (also) to pay the Bishops Grooms, Butlers, Barbers, &c.

It is against the Oath of Canonical Obedience to remove from a poor Vicaridge to a rich Rectory, or a poor Bishoprick to a bigger and better, (that is) a richer. (God forgive us !) Can. Concil.
Nicen. general.

It is against the Canons in force, if Bishops and Priests have not *Shaven Crowns*, as the Popish Bishops and Priests have; for the Canons that enjoin it are in force, because *not contrary to the Laws of the Land*, though a Bishop or Priest be shaved as bald as the back of my hand; nay, it is suspension *ab Officio* for six Months to wear long Hair, or a long Beard, or Pendules at the Ears, or not having a Shaven crown, or Rings on their Fingers, &c. and if they persist in such uncanonical Deportment, they ought to lose their Benefices 'till they repent, and then not to be absolv'd 'till they have given the *sixth part of the Profits* of them to the Poor. Concil. Londini
in Eccles. Sanct.
Pauli. Anno
1342.
Constitut. Concil.
Londin. pau-
Anglicum. Anno
1236. Tituli.
13. &

It is against the Canons for a Priest to marry a Widdow, or being a Widdower to marry a second Wife, and against the Law of God too, if *bigamus* sound as much as the Husband of more than one Wife; and also the Wife of more than one Husband: And such ought to be degraded and deprived by the Canon Law that have Married a Widdow, there are Maids enow, what need have Priests to be *bigamus*? Concil. Anglic.
Lond. 52. Hen.
3. Anno 1268.
Tit. 5.
Conc. Pau. An-
glic. 1236. Tit.
Coke in Articul.
cler. cap. 9.

It is against the Canons for *one Priest* to take *another Priests Goods* or Money from him, of which even our *Statute-law* is so tender, that it is *not lawful* for a Sheriff or Bayliff to take or *Distrain a Clergy-man's Goods* out of his Parsonage-house for Debt, in *other places* he may, but not in the ancient Ecclesiastical Indowments.

Thus careful has the Laws been, that Clergy-men should not be (like Pikes and Sharkes) the greater swallowing up the lesser Fry; little things would live, though they be not great, nor fat, nor overgrown, and as careful also to keep the Layity from their Covetous gripes, in not being forc't to pay twice, and besides Tithes, to pay also for Marriages, Baptizings, Lectures, Burials, (a very subtle Trade) no more I hope (though) to be followed for the Oaths sake, the Oaths against Symony, and the Oaths of Canonical Obedience; and I hope all Bishops also will take warning and look after their Porters, Barbers, Secretaries, and Gehazies.

If they do not, they shall hear further from me, *I'll promise them*; are not Laws and Oaths something? Ha! *let me hear no more on't*, no, not at a Visitation, I would wish them for their *own sakes*, and for *Conscience-sake*, and for the *sake of the Oaths* of Canonical Obedience, and *that small Oath* against Symony, and also if they please (*I'll adde*) for *their own Souls sake*, and for the *Shame of the World* and Speech of People; *that are apt* enough to make or find holes in a *Canonical Coat*; they shall not need to *make any*, I have shewn enow in all Conscience; and the Mischief is, *'tis true too*, no body can deny it; blessed be God that his Mercy is infinite, or else what *would become of us Clergy-men* above all others? whether poor Clergy or rich Clergy; whether those that are *lyable* to a Gaol, or those that are above a Gaol, lyable to an Excommunication, or *amici curia*, and *above it*; whether such as may be *Anathematiz'd*, Gaol'd and Curst; or such as do Anathematize others; all of us have need to begg absolution of God and the People, so much offended and abus'd by us, *contrary to our Oaths*, our Consciences, and our *own dear Canon-laws*, with which we Benchers do so thunder upon the Laity, and the small, poor, pitiful and *inferiour Clergy-men*, Vicars, Curates, *Journey-men*, and *Day-labourers*.

If the World be suffer'd to go on *at this rate*, they'l not know how to distinguish and *know the difference*, betwixt a rich Prelate, and a *Small-day-labouring Journey-man*; is it not a general Scandal. *Magnat* — ? a very great Scandal certainly. — I wish with all my heart *the Poll* had gone on, (which the Bishops set a foot —) that every Clergy-man should certifie the Cons and the Non-cons in every Parish: The Non-cons are *Shrubs* and pitiful fellows, and *but few* to us; we think besides, the Prelates say that they have the Gift of God by *laying on of hands* to Ordain, Institute, &c. *be it so*. And Ministers pretend, that they (by Ordination) have got the Gift of God, the Gift of Praying, Preaching, Baptizing, and administering the other Sacrament, &c. Be it so too.

And both Prelates and Ministers we (all) Swear and take the Oath *against Symony*, and Oath of Canonical Obedience.

The merciful God forgive us all? what will become of us *that should be Guides*?

'Tis Symony to give Money for a Living; 'tis *Smock-symony* to truckle to a known Whore, *pimping* for her favour, to give a man a lift into the — I charge no man with these kinds of Symony.

But the sin of *Simon Magus* is to make a *Money-business* of the Gifts of God, in Letters of Orders, Institutions, Prayers, Reading, Lecturing, Baptizing, &c.

Baptize my Child; *quantum mihi dabitur*? saith Judas, then what will you give me, sayes the Symonist? Ordain me; yea, but pay my Secretary, my Register, my Porter, and the Groom of my Chamber; give me my Letters of Orders again at a Visitation, I have paid for them once, Mr. Simon, *quantum dabitur*? pay the Secretary and take them.

Give us a Sermon, Parson; *quantum dabitur*? sayes Simon, what will you give me and I'll be your Lecturer?

Read Prayers for me, little Curate; (sayes the Scarlet Doctor,) *quantum dabis*? sayes Simon, what will you give me to do your Drudgery? come Doctor, you may afford it; for you are better paid for sleeping than I for Praying, and would you have a man Pray for nothing, whilst you get so much, for Praying but little or not at all! *quantum dabis*? shall I work and Pray by the day, by the week, or by the Year? yet we all Swear the Oath against Symony, God forgive us, *What will become of us*?

Church of England do we call our selves? if we that call our selves Church, and

and yet Crack Oaths like Nuts; and are so wicked, surely then the *Layity* are sad Souls.

CHAP. XIV.

AND yet as wretched as we are, and at what loose lock soever we Lye or Swear, hand over head, no Parliament (since 25 H. 8.) ever heeded our Canons so much as to reform them.

The 25 H. 8. 19. seems to be design'd for a temporary Act only and a Probationer, to last only till 32 persons had selected the choice Canons out of the great heap of Rubbish; but in such a confused, rusty, frivolous and self-confounding Lump, the Commissioners were at a loss where to make their choice, or else thought none of them worth chusing, and so threw all aside.

Nor has any English Parliament regarded our loose condition, so much as to take the Canons into consideration, containing such a Gallows-mare.

Yet, we must Swear, and Swear Canonical Obedience, and never a man in England (scarcely can or dares affirm what Canons we Swear Obedience to; or which (alone) are in force: Oh feeble and frail condition of Church-men! the poor Church-men! for the rich there's no Praying for them, I mean, No need of Praying for them but by the Common-prayer-book; you may trust them, they'll shift well enough in this World, Ple warrant you, let them alone to secure themselves, and enrich themselves too; yet I cannot deny but Poverty and Self-denial, Humility and taking up the Cross, was as necessary an accomplishment and qualification of a Disciple of Christ, and Successor of the Apostles; as was any other Grace; and if it be (as indeed it is) a qualification, somebody takes as ready a course as can be to qualify me.

But what do you tell us of Poverty? 'tis as displeasing to us, as is the Statute of 1 Edw. 6. 2.

Nor, do not you tell us of Symony neither, nor of taking Money for Ordinations, Institutions, &c.

Of which the Price is risen in some Diocesses, since I was Instituted almost half in half, it cost me not above eight or ten pounds to be Instituted, Inducted, and Ordain'd into the bargain; but now the Price they say is almost doubled, the Gift of God gives twice as much, not to the Bishop himself, no, for his Servants, Secretary, Groom, Varlet de Chambre, Register, Porter, &c. takes the Money,

The Lord keeper Bacon was Condemn'd for Bribery, and most justly was turn'd out of his place, and the Broad Seal taken from him, yet he neither lov'd Money, (no, he lov'd it not so much as he ought, his great Soul was so far above it, that he took no care for necessary Provision, dying in a Garret, chiefly for want) nor did he ever take a Bribe in his life.

But his Servants did, and he conniv'd; even so, &c. Away with it, for shame! thy Money perish with thee, (said Simon Peter to Simon Magus) for thou art in the gall of Bitterness and bond of Iniquity, and hast neither part nor lot in this matter, for thine heart is not right in the sight of God.

But, besides the Symony, what can be said to the frequent breach of the Oath of Canonical Obedience, which also is daily broke by extorting Money, and selling Prayers, Ordinations, Institutions, Lectures, Sermons, Baptizings, &c. Here's rottenness all over.

Besides also many Inhumanities, Vexations, Extortions, Imprisonments, Grievances and Oppressions that have (within these thousand years) been used in Spiritual Courts, are against the Law of Nature, and not the least colour of them in the Law of God, and some point blank against the Law of the Land.

Was there ever the like known, that men should not fear to trample the Sacred Laws under their foot, if they make against them, and at the same time hale in each Tittle of the letter of the Law against Dissenters, when there is so much Dissention amongst themselves, so little Congruity or conformity either to one another, or to the Act of Uniformity.

But the sin is greater when Holy Ordinances and Holy Keyes become Snares to catch away mens Liberties in civil matters, and will be an addition heaped up and running over, that a man would wonder how it is possible for so much rottenness and corruption (when it happens) should subsist.

A Bulwark against Popery some men talk of; go make a Bulwark of nothing but rottenness, and tell me what it is good for, especially if the rottenness and corruption is of the same nature with that Popish filth that was brought from Rome by Augustine, that vilest of Monks, as afore-said.

CHAP. XV.

Coke in circumsp. agatis
Inst. l. 2. p.
488.

A Bulwark (quoth he) and Court-christian. Court-christian was so called (sayes Coke) because "That as in the secular Courts the Kings Laws do sway and decide Causes, so in Ecclesiastical Courts the Laws of Christ should (should, that was well put in) rule and direct; for which cause the Judges in those Courts are Divines, (Ay, we are fine Divines,) as Archbishops, Commissaries, Deans, Archdeacons, &c. (A very special Christian Regiment, of which not one such name is found in the holy Muster-roll of Scripture) Linwood sayes, *Curia christianitatis in qua servantur Leges Christi*; Court-christian so called, because in it is observ'd the Laws of Christ, whereas in the Kings Courts are observed the Laws of the World: (Optime opponis Domine!) the Kings Laws, the Kings Courts set in distinction, and diametrically opposite to the Laws of Christ, and Court-christian; I profess the King and his Courts are strangely beholden to us: Laws of the World, (quoth he) yea, but Laws Ecclesiastical they call the Laws of Christ, our Courts-Christian, (forsooth!) in distinction from the Kings Courts; our selves Divines, in distinction from earthly Lay-men that mind the World and worldly things; our selves Spiritual persons in distinction from the carnal Layety; and our Courts Spiritual Courts in distinction from the worldly Kings Courts.

Well, I commend them for giving themselves and us a good name, and a good word, becoming our own Trumpets to commend our selves; for if we did not, who strives to do it? the Papists (indeed) were barbarously Inhumane Soul-sellers, Cruel, Revengeful, Mischievous, constant Friends to the Devil and the Gaol, but had the Law of the Land on their side for their black deeds: But some men Oppress, Extort Money for Gods Gifts, Illegal Fees, in high and open Contempt of the known Laws of the Land, and in defiance of their own Oaths against Symony, and their Oaths of Canonical Obedience.

And moreover, if the 1 Edw. 6. 2. (being the last Statute that ever was revived concerning Bishop-making and Ecclesiastical-Court-keeping) be in force, (as I doubt not in the least that any body will deny) then to all wickedness is added the greatest Insolence, Scandal, and daring Triumph over the Laws, that ever any Chronicle does mention or record.

CHAP. XVI.

AND Blessed be God that has in his Providence so order'd it, that out of the Eater is come forth Meat, and out of the Strong sweetness to me, through the Strength, Interest, Malice and Power of my Adversary.

A Power, that by bereaving me of my capacity of being a States minister, or receiving the States pay, has thereby not only given me leisure and occasion, (Oh deep Politicians!) not only to pry into their Constitution, and observe their Motions, but also has thereby emancipated my Judgment, and knockt off those Shackles wherewith it might happen to be fetter'd, byast, warpt or bended the wrong way, through Self-ends or private Respects; Interest too frequently Bribing, and consequently Blindfolding the Judgment, that it cannot discern light from darkness; nor can I deny but that in composing this little Treatise, I have had more than ordinary help and assistance Divine, to discern further (and yet undeniably true) into the Validity and force of this so needful Statute, (so long despised) by men that talk much of the Kings Prerogative, when it serves their own ends.

To which also (I cannot say but) they might the rather be inclin'd by the Lord Coke; but whether they wrought him to it, or he them, 'tis not a pin matter: *Ignorantia crassa non excusat.*

For, As it is most certain, that an after-Statute vacates and makes voyd all precedent Statutes that are contrary thereunto:

And as it is also as certain as that every child is younger than its father the author of its life, and every effect junior to its cause, so (also) certain it is that this Revived Statute must date its life and force from 1 Jacob. and therefore vacates 1 Eliz. 1. 25 H. 8. 20. 1 Mar. 2. & 1 & 2 Phil. Mar. 8. and all other Statutes that make Bishops of any other fashion, or send Writs and Processes in any other name, than that Statute does direct and enjoin.

And though this Argument alone unfetters it from Coke's threefold Cord wherewith he endeavours to bind it down; yet 'tis *ex abundanti*; and more than needs.

For his second Cord is untied and loosed by saying (as aforesaid) that It is Impossible any Law should aim at the doing any thing which is Impossible to be the aim and mind of the Legislators:

But it is Impossible that the repeal of 1 Edw. 6. 2. could be the mind of the Legislators; because there was no such Statute in being, to offend them, or to need their repeal. And besides the 1 & 2 Phil. & Mar. 2. is not contrary to 1 Edw. 6. 2.

For though they may be diverse, they are not contrary, but may very well subsist together; For the Pope may keep his Supremacy though Processes Ecclesiastical did run in the Kings Name; As well as the King may keep his Supremacy though Processes Ecclesiastical run in Doctor Exton's name, or Pinfolds name.

Therefore it was below the Ingenuity of the learned Coke to mention such a frivolous Cord that is so easily broken.

The third Cord seems the strongest as to the repeal of the first branch of 1 Edw. 6. 2. though it is very idle and insignificant as to the other branch of the Statute, concerning keeping Ecclesiastical Courts in the Kings name:

For 25 H. 8. 20 only allows Processes Ecclesiastical as heretofore used,

Et c.

Ec. so that they be *not* contrary to the Laws of the Land: Wherefore here is apparently *Petitio principii*, and the Learned Coke first prevaricates in reciting the Statute, and yet *leaves out the material words* that limit it; well knowing that otherwise this fallacy would be discern'd in *begging the Question*.

For he would prove *Processes Ecclesiastical* (used as in Popish times) to be legal by 25 *H. 8. 20.* so that such *Processes* be not contrary to the Law of the Land: *Taking it for granted* that 1 *Edw. c. 2.* is not the Law of the Land; *quod restat probandum*: He clearly *begs the Question*, taking that for granted, which is the *point in controversie*, and which he ought to prove by other *mediums* than what is in 25 *H. 8. 20.* because that Statute authorizes no *Processes* but what are according to Law, and therefore *much less* can it make any Law void, or be a cord to bind that wherewith its self is limited, bound and confined.

I know he sets up the 1 *Eliz. 1.* (like a *Shrove-tide Top*) only that he may play at it and throw it down; but we need not fly to 1 *Eliz. 1.* there's no occasion for its repeal of 1 & 2 *Phil. & Mary 8.* (as to this particular) yet it does repeal it.

The first and strongest and *only* Cord that he confesses did bind it, was but, only temporary, during its own force, and whilest it had strength; for how could it bind any thing (any) longer than its own power and vigour lasted? But 1 *Edw. 6. 2.* reviving as he confesses by 1 *Jacob.* (except it have been repealed since *primo Jacobi*,) It seems without further question or controversie to be in force.

And above all, (which accurate Lord Coke never mentions, and would not (at least did not) think of) he needs no other arguments to defeat his own three cords, but his own arguments *only turning the points* of them against himself: For if an *after-Act* shall vacate all former *Acts* that are contrary to it; and if the Life of 25 *H. 8. 20.* shall be accounted an *after-Act* to 1 *Edw. 6. 2.* (though its first life was before it) bearing date only from 1 *Eliz. 1.* the author and cause of its present life and motion; which is (also) as true as that *causa est prior effectui*.

So also, by the same reason must 1 *Edw. 6. 2.* be an *after-Act* to 1 *Eliz. 1.* 1 & 2 *Phil. & Mar. 8. 1 Mar. 2. & 25 H. 8. 20.* bearing date *primo Jacobi*, the Author and cause of its present life and motion; and therefore must make them null and void in every thing that is contrary to 1 *Edw. 6. 2.* revived 1 *Jacob.*

And if this can be answered by all the men in England, I will for ever hereafter throw away my Pen, and forfeit my Reason to the Master of New *Beblehem*: And (indeed) that is the fittest place for me, if the force of this (so long-abused) Statute be not here made evident to all rational men.

But on the contrary, *Bedlam* is the fittest place for them that have insolently contemn'd and trampled on this Royal Statute, and thereby brought such a horrible Scandal and Inconvenience, if it be in force.

For if that Statute be in force, how many lawful Bishops, lawful Priests, or lawful Ecclesiastical Courts have we in England? But let the great Scandal lye at the right door whereto it belongs, and let them that have been guilty of the sin, bear also the Shame and the blame, and be accountable for so great a Scandal, and punished accordingly; look to it, the Laws are too hard for all Opponents, whoever they be in conclusion, and at the upshot; therefore it concerns some people to fence with all their force and might, and all to no purpose, but their own Confusion; How can a corrupt Tree bring forth good fruit?

CHAP. XVII.

AND now I have done my business, and also I have done the business of some Ecclesiastical men to all intents and purposes, some will say; and have shown what *sad fellows they are*; though I confess some of them are my fellows, yet I blush for them, and should blush more to be seen in some of their Companies, yet I care not how soon (now) I come into their clutches, if their Nails were pair'd so short, so short.

He that values any thing more than Christ (Christ sayes) is not worthy of him, much more unworthy of him are those that value their Malice and Revenge more than the Propagation of the Gospel.

'Tis well that God is (and must) be just, and therefore there must be another day of Reckoning in another World, where Truth shall not stand at the Barr and be Arraign'd, whilst Hypocrisie, Symony, Atheisme, Debauchery, Cruelty and Diffimulation sits on the Bench.

But Gods Will be done, on Earth as it is in Heaven; he best knows what is best for us in this Life; nor would I eat of some mens dainties to have their Bosoms, Cares, Terrours and Distractions here, though I might be excus'd from paying their Reckoning in another Life.

'Tis true, God hates Hypocrisie, and it will never do a man good in another Life; But in this Life, It is as good as true Religion to such kind of States-men and Machiavilians as make no other use of Religion, but in Policy, and to amuze the vulgar.

A Horse painted in cloath (which is not perspicuous) is as good as a living-stalking-horse, to catch Woodcocks that cannot see thorow it.

Hypocrisie (then) is good for something, it will serve to catch Woodcocks in a State, if it be so Substantial that the Woodcocks do not see thorow it, but if it be apparently and visibly Transparent, it is useles and good for nothing in the World, it will not serve so much as to cheat with-all, no more than false dice, after they are discovered apparently, where and how; even so, any Church (though it be not true,) yet if it retain but the face of Religion, and look like Piety to see to, it will serve well enough in States-policy, where they are indifferent and careless for any more than to set a good face upon the matter, as at Rome.

But that Church that retains not so much as the face of Piety, but that it is a step to Preferment but to pretend to Piety, or look soberly and demurely, when the very outside Hypocritical-mask and Vizard of Religion is quite thrown off and cast aside, through palpable and apparent Symony, extorting Money for Gods Gifts, for Ordinations, and for all Gospel Ordinances, to the daily and constant and apparent breach of their Oaths against Symony, and their Oaths of Canonical Obedience, and also through their Avarice, Malice and Worldly-mindedness, above all other People; Pride, Insolence and Cruelty above all other People; Formality, Dulness and coldness in Devotions above all other People; Loosness of Conversation, Oppressions and Extortions above all other People; fighting against their Adversaries to wreak their Malice, serve a turn or State-job, and mischief mens earthly Liberties with the Keyes of the Church thrown at them, my Friends, in such

&c. so that they be *not contrary* to the Laws of the Land: Wherefore here is apparently *Petitus principii*, and the Learned Coke first prevaricates in reciting the Statute, and yet *leaves out the material words* that limit it; well knowing that otherwise this fallacy would be discern'd in *begging the Question*.

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a Case, the *very face of Religion* and *Vizard-mask of Religion* is thereby *thrown off*, so that it is neither *useful for Heaven* nor *Earth*, neither for *God* nor the *State*; it will not serve *so much* as to catch *Woodcocks*.

Hard is their hap that are forc't to follow *erroneous Guides* and illegal wayes, or upon refusal to be *Anathematiz'd*, *Gaol'd*, and then their *Liberties*, *Franchises* and *Purses* taken from them, and without, or against *Law* too.

Nay and worse, namely, be *Anathematiz'd* and *Curst* by them that have no more *Law*, no more *Commission*, no more *Power* or *Authority*, neither from *God* nor *man*, to *Curse*, than had (the false Prophet) wicked *Balaam* to *Curse* the *People of God*.

Sad choyce, to be forc't to lose *Heaven*, or else *Earth*, or else *both*.

Good God! that ever *men* (whose *Ancestors* baffled the whole *Power* of *France*, *Scotland*, and the *Pope* united, bringing the *French King*, and the *Scotch King* and the *Pope* captive and *Prisoners* at the same time) should be such a *degenerate Brood* as to be frightened out of *their Wits* with *Shadows*, and out of their *Rights*, and out of their *Consciences* and their *Liberties* with *Illegal Curses*.

Oh! unhappy (of all other) is their fate, that are *overwhelm'd* with filth, over-run with *Diseases* and old spreading *Ulcers* that grow worse and worse, and run down with *Rotteneffs*, and *Pierc't*, *Hackled*, *Tortur'd* and *Mangled* with dull *Tools* that are rusty and corrupted all over.

Let no *Catchpole* (here) lye at *lurch*, (for I shall have abundance of *Readers* that deserve that *Name*) setting themselves to read this little *Book*, with no other design but (only) to find somewhat therein which they can so far stretch with their *Scurvy-teeth* as to wire-draw it so, as to serve their turn to make a *Snare* of to catch me or my *Bookfeller*, (such *Ingenious* Reception do all *Attempts* towards *Truth* receive amongst *base minds*) hoping to beat mine own *Weapons* about mine own *Ears*.

But let them let fall their edgless *Swords*, *despair* and *dye*, though I doubt not but they will lye at *catch*, and perhaps apply my *Metaphors* to themselves, (as the *Pharisees* did those of our blessed *Saviour*) when cut to the *Heart* with his keen *Parables*, they perceived he spoke the *Parable* concerning them, but knew not how to help themselves: But I, (in all this *Metaphorical-discourse*) mean not any *Religion* in particular, nor any *Church* (by name) whatsoever, except that thin *Religion* and that *ruinous Church* that was huddled up in *hast* and built upon *Crutches*, and the foolish *Inhabitants* had rather it should fall upon their *Heads* than they will confess themselves *Weak-builders*, (such is that *Pride* and pretence to *Divinity*, that (*Lucifer-like*) would gladly attempt to be like *God*, *Infallible*, as if it were already) *divested of Humanity*, and not subject to *Errours*.

Yet, (I say) I mean no *Religion*, no *Church* (hereby) but that *thredbare* (overworn) *Religion*, and that *ghastly Church* (wheresoever it stands in the wide *World*) whose rotten *groundfells*, crazy *Foundation*, apparent *Dilapidations*, and transparent *guilt* *Accuses* and *Condemns* its self, and is obvious to every *Passenger* that does but view it, and cast his eyes (or a serious look) upon it.

For my *Pen* (how keen and sharp soever some busie *Censurers* have judg'd it to be) shall never cut mine own throat, in hopes to scratch an *Enemy*; though (I confess) a dull blunt *Pen* is usefess, and good for nothing, because unfit to write with, serving only to blur paper, as good do nothing; yet the acuter any *Pen* is, the greater dexterity is required in the management and guidance thereof.

It is with *Pens*, as with other weapons; And *Pen-men* like *Sword-men*, they

they are *best* that give the *most woundly-smart blowes*, and thrust it home upon the adverse Party, and make their *Hearts ake again*, so they do it cleaverly, fairly, and upon the Square.

The *onely* skill lies in *breaking the Adversaries head* so finely and neatly that at the same time the nimble Fencer (also) guards his own; otherwise he loses the reward as well as the Honour of the Prize he plays: (*Miles Christi securus interimit, securior interit*, sayes Bernard.)

Yet I know also, That there is *no fence against a flail*; and that the greatest skill (*more is the pity*) may be over-powred with a dull strong fool, by meer force, power and main strength.

But that is *no Disparagement to Art*, nor to the Gentle-craft of fencing, which usually sends the strong Clowns away with shame and loss; And, for all their great strength marches the Great Blockheads off with a broken Pate; sending them home (at length) by weeping-crofs. Great things are done many times by small means, if we consider that single Shammah (one of Davids Worthyes) withstood the whole Body of the Philistines. Truth and the Laves may be opprest and supprest a while, but never quite subdued; for at length they will be strongest, and too hard for any man alive.

The face of things do alter, and do become of another Complexion at low-water-mark, when the dry Land appears, in comparison of what they seem'd when the Tyde run strongly and high; when the flood comes rolling and Tumbling in; the comfort is, it is subject to vicissitude and change, and to ebbe as well as flowe.

For there are three things —namely, The Sun, The Truth, and the Laves, (all of them of so heavenly a nature) that they alwayes shine bright in their own Firmament, even when they are most beclouded (as sometimes they are) and Eclips'd from mortal view:

But (*the Best on't is*) They are alwayes in motion towards their former brightness, (as also are the Interposing clouds, they are fugitive (too) and upon the goe.) So that though for a time they may seem dimme and obscur'd to earthly (and only to earthly) and sublunary Eyes, yet when the mists vanish, they regain and resume their wonted splendour, nay, look more lovely and beautifull after they have been maskt with a cloud.

The Profession of a Clergy-man is the best Profession; the Calling most Honourable, the Reward greatest; But a corrupt or evil Clergy man is the vilest of Mankind; Corruption of the best is worst of all: For as no man is more honour'd, reverenc'd, or belov'd, than a humble, painfull Minister of Christ, that seeks not his own advancement, but the propagation of Truth, and universal good to Mankind; so, what Creature more odious than a Clergy-man corrupted with Pride, mischief, cruelty, malice, revenge, avarice, yea, an insatiable greediness after the world, worldly Honours, worldly Pleasures, worldly Employments and gain not to be restrain'd by the fear of daily Perjury; or taking Gods Name in vain.

As they do, that do not only live in perpetual Perjury against their Oaths, but also in Perpetual contradiction to their calling, their Profession, their Preaching, and the Name of God or Religion. Thou that Preachest against pride, avarice, perjury; worldly-mindedness, Cruelty, Malice and Revenge; (*hold up thy hand!*) Art thou Guilty? Well! God send thee good deliverance; for thou art in evil handling, and the Devil has got a strong hold of thee; therefore beware all ye that are Ministers of Christ: beware Prelates! Note (by the way) that by Prelates, I mean (what our Canon-Laws mean generally by Prelates; namely) all Clergy-men that have cure of Souls: For which cause I have here sometimes put my self into the number, calling

calling my self — (*we Prelates*) in good time, as if I was proud of the Title — to be *Cock of three* ; (for not more than three Parishes (if I would be mischievous) are under my Jurisdiction Ecclesiastical) and therefore no man in his Wits can think that I have so little Wit as to be proud of that I have all along expos'd, and care not one farthing for ; much less do I call my self Prelate, in hopes to beggar any man that may hap to Scandalize my Hogen-mogen-Ecclesiasticalship ; but I call my self Prelate, (as the Canon-law calls me,) namely, Benefic't-Clergyman, for all such are Prelates by Law ; not for Prelating (or being preferr'd) one above another, (so much condemn'd and forbid by our blessed Saviour to all his Disciples) but because they are Preferr'd over the Flock, in the Care, Cure and Charge thereof ; and is a name of Burden more than Pride.

Lyndwood. Pro-
vinc. l. i. Tit. 7.
cap. ignorantia
Sacerdotum. ver.
Prelati Eccle-
sia.

So the Canon de Sacramentis Iterandis, vel non — Sacramenta, quorum Dispensatores sunt Prelati Ecclesia : Sacraments, the Dispensers or Administrators whereof are the Prelates of the Church : (that is) all Presbyters with cure : so sayes the Glosse — *Prelati Ecclesia. Hic vocantur Prelati nedum superiores ut Episcopi, sed etiam inferiores, ut Archidiaconi, Presbyteri Plebani & Rectores Ecclesiarum ; (& postea) quilibet qui preest cura animarum dicitur esse Prelatus, &c.*

Prelates, (here called) are not only the high flown, as Bishops, but the Inferiour-Clergy, as Archdeacons, Countrey-priests and Rectors of Churches, and indeed all that have cure of Souls.

And, if these lights be darkness, how great is that darkness ? if these be corrupt, what a nasty lump it is ? how Nauseous ? how Pestiferous ? how Infectious ? how Mischievous ? how contrary to the very letter and design of the third Commandment, if the Name of God in their Profession, Calling, Preaching and Prayers, is Blasphemed by them, daily, by taking it in Vain, through palpable Symony, Perjury, Pride, Avarice, Cruelty, Malice and Revenge ?

Lyndwood. Pro-
vinc. l. i. Tit.
11. cap. Presby-
terorum ver. ca-
nus menti.

Therefore the Glosse upon the Canon-law, de Officio Archipresbyteri, concerning the duty of an Arch-priest, does not only call wicked Prelates, greedy Dogs that can never have enough, but ravening Wolves, *malus Prelatus aliquando dicitur Lupus rapiens Pradam.* (83 di. nihil.) An evil Prelate is sometimes called a Wolf, snatching and devouring his Prey ; *Quandoque Canis Impudicus ; (2 q. 7. qui nec.)* sometimes a nasty Cur, or unclean Dog ; *Item Corvus ; (2 q. 7. non omnis)* a meer Rook ; *Item sal infatuatum ad nihilem proficiens, (2 q. 7. non omnis)* also Salt that has lost its savour, and good for nothing in the World but the Dung-hill ; meaning perhaps that as in their Lives they seem only to be born (*fruges consumere nati*) to make Victuals dear, (by eating them up) so they are useful for nothing but to make muck of, to manure the Land with such filth, and so (like Hogs) they'l be good for something when dead, though good for nothing (but to eat, devour and do Mischief) whilst they live ; therefore an evil Prelate is call'd a Hog, *Porcus, (43 di. in mandat.)* Nay, (35 di. Ecclesie Principes.) an evil Prelate is called a Capon, *Capo, quia sicut capo non cantat, sic nec malus Prelatus ; item non generat nec pugnat pro subditis, item sicut Capo non vocat Gallinas, sic malus Prelatus non vocat pauperes ; item, sicut Capo se impinguat, sic malus Prelatus, & ideo cum querat epulis & deliciis abundare, ejicietur in ignem inferni : (that is)* As a Capon crows not, so neither does an evil Prelate lift up his Voice like a Trumpet ; neither does he encrease and multiply the Brood, nor yet fight for them, but (*Craven-like*) possibly fight with those that are under his charge ; also as a Capon calls not the Hens about him (*chocking them*) to feed, so neither does

an

an evil Prelate *call the Poor*. Alio as a Capon *fats himself*, so does an evil Prelate; and therefore when he thinks of nothing but *cramming himself* with his dainty Morfels, he shall be thrown into *Hell Fire*; and then (for all his *Flutter*) he makes but a sad and miserable *Exit*.

For all *Mischief* (like Cruelty and Persecution) makes a *Rod for its own back*, and becomes its own Executioner, as well as its own *Scourge*.

Had not *hard-hearted Pharaoh* (think you) been a *wiser man*, as well as a *better man*, if he had been *less mischievous*? for by *losing the Bowels* of humane Compassion, he *lost himself*, and his Party; all that *sided with him*, were not only partakers of his *Sins*, but of his *Plagues* also; perishing in the *same woful end*.

If I can do my *Brethren* a Courtesie, you *may be sure* I will; What? *not a Legal Bishop*, nor *Legal Priest* in *England*? God forbid; that *must never* be admitted; and therefore, though the Lord Coke's reason for 25 H. 8. 20. seems of *no force* at all, yet 8 Eliz. 1. seems to cure us all, if his Majesty please? I hope we are all safe still; the Judges only ought to determine it. But what's all this to justify the *Contempt of that Branch* of the Statute (1 Edw. 6. 2.) that enjoyns the use of the Kings Name, Style, and Seal, in all our Processes Ecclesiastical, *Certificavit's* and *Significavit's*? for neither 1 Eliz. nor 8 Eliz. touches that; or if it did, (as it does not) *Quere*, Whether the Revival of 1 Edw. 6. 2. by 1 Jacob. shall not obviate it? But to admit the other Branch of the Statute to be in force, would be a *horrible wide Scandal*; yet *not so great a Scandal*, but many greater have been let into the *Romish Church*, when the *Heads happened to be* (like the wooden Heads in a Carvers Shop) *Brainless*.

Bishops, Priests, and Deacons, are lawfully Consecrated by 8 Eliz. 1. at least by 14 Car. 2. 14. but whether they be legally elected to this or that Cure, or Title, is a Point of which I will not give any Opinion, nor meddle with it: one said well, they are *Legales ad Officium, quales quales sint ad Titulum*.

Was not the holy Chair well *lin'd against Error*, when that *Monster* of men, and *Opprobry* of the Church, (as Cardinal Baronius calls *Benedict. 9.*) was made Pope at twelve years of Age, by means of his Fathers Interest and Subtilty, the *Marquess of Tuscany*? That Pope being skill'd in nothing but the *Black-art*, being found dead and *strangled* in the Woods by *Devils*, as Cardinal Benno affirms; Platina calls him the wickedest and most mischievous of all the Popes, but he that reads the sad Character he gives of other Popes, as dull *Sabinianus*, *Boniface 3.* that red Dragon, (as Cardinal Baronius calls him) *Prophane Formosus*, Ann. 891. wretched Pope *Stephen 7.* Ann. 895. (of whom Baronius says) He entered like a *Wolf*, and died in a Halter like a *Dog*. Debaucht *Romanus*, Ann. 897. Seditious *Theodore 2.* Ann. 897. and next to him Vile *Jo. 10.* Ann. 897. (three Popes in one year) one after another) or these three next succeeding Popes, *Benedict. 4.* *Leo. 5.* (*Terra Filii*, as Platina calls them;) and this latter Ann. 903. after one months Possession of the Holy Chair, ejected by *Christophorus*, so obscure a fellow, that no man could find out his Countrey, or Sir-name; only that the name he was known by before he was Pope, was *Christopher*.

And these few (amongst many more) I recite, that men need not wonder if great Scandals come in a Church, if the Heads (at Rome) happen to be like the *Wooden Heads* aforesaid, (namely) *brainless*.

Like Pope *John 12.* that *Spit-fire*, full of his Anathema's, excommunicating the whole Council of *Lateran*, for Articling against him to the Emperor *Otho* the Great, for drinking a *Health to the Devil*; for ordaining *Boys* *Luitprand. l. 2.* Bishops at ten years old, and Deacons in a *Stable*; for invoking the Devil c. 7.

to help him (at Dice) to a lucky Cast; for lying with *Stephana* his Fathers Concubine; And for turning his Holynesses Palace to a common Stews or Brothel house.

But in his Answer to his Charge, he *curses them all to the Devil* of Hell by Excommunication; and they in Requital, tols back his *Bruta Fulmina* and Anathema's, by excommunicating the Pope, saying, — *You write by the Suggestion of as silly Councillors as your self, Childish Threats*; but we *despise your Excommunication*, and throw it back upon you: *Judas the Traytor bound nothing with his Halter but his own wretched Neck*. So ridiculous did they make that Ecclesiastical Tool, or Sword of Excommunication, growing dull by using it so often on every whiffling occasion, to Curse whom they hated in meer revenge, 'till no wise man heeded them: therefore at last they wheedled in the Magistrate to grant them the Writ de Excommunicato capiendo.

Blessed be God that there is a day of Judgment hereafter, and of all Miracles, I most wonder that any man (in his wits) can be an Atheist, to doubt it; for it is impossible but that the Sun, Moon, Stars, Earth, (and all we see) had a first Cause, that made and preserves them; and it is impossible but that that first Cause must be infinitely good and just; and consequently impossible but that there must be a day of Judgment and Justice in another World.

Ecclef. 9. 11.

For in this World, the race is not to the swift, nor the battle to the strong, nor Favour men of Skill, nor Bread to the Wise, nor yet Riches to men of Understanding; but Honesty and Truth stands at the Bar (sometimes) when Hypocrisie, Cruelty, Atheism, and Apostasie sits on the Bench; therefore it is impossible but that there should be another day of Judgment; when it shall be well with them that fear God, which fear before him; but it shall not be well with the Wicked, neither shall he prolong his dayes, which are as a shadow, because he feareth not before God.

Ecclef. 8.
12, 13.

But if Bishops (angry Bishops or angred Bishops) would be content to Scold it out, as St. Hierom at St. Ambrose, calling him *Corvus & Cornicula*, Rook and Raven; and his Commentaries on St. Luke — *Nugas* — (Trifles) (though I like not the sport, yet I confess (of the two) such Duels are most proper for Women, or men of the Gown) but I hate playing at Sharps, especially with men that will not play upon the square, and fairly with Equal Weapons and Equal Seconds, but to fly to the Magistrates long Sword (upon every Ecclesiastical Skirmish of Pen) I will not, I dare not say that it is foul Play; but I'll say, 'tis not an even Match. The Learned Bishop of Canterbury, Doctor Laud, (when Fisher published his Book of Popery) did not run to the King and Council, crying out — *Help O King*; nor did the Council trouble themselves with such Velitations, or Pen-pickeerings, but Laud answered a Scholar like a Scholar, with his learned Pen to his lasting Honour, not borrowing the Magistrates Pike to his Dishonour.

No man does well approve of the Bastinado, though given him by never so smooth a Cudgel, but the Cudgells do so ill become the hands that should bless us, that any man would take the Lamb-basting from a Hangman, with much more Patience and Alacrity than from a Prelate; it being so incongruous to his holy Office to turn Executioner (so much as) by Proxie.

Nor do I know in all these Contests, how it is possible to follow better advice than that happy and great States-man gave Queen Elizabeth, in reference to the Papist and the Puritan, (neither of them did he well like;) yet lest the Queen should take him for a Puritan (a sort of People to whom she never gave much Countenance, nor much Discoun-
tenance

tenance) much less cut them down with *Sham-laves* made against Papists, sharpened on purpose because of the late Spanish Invasion, the danger whereof was no sooner quite over; but if she did not quite sheath that two-edged Sword, yet she never drew it against Papists, no nor against Popish Priests, (except Treason against the State aggravated the virulency of that corrupt Religion;) the Statesman I mean, was the Lord Treasurer Burleigh, who in a Letter to that Queen, "Protesting first that he was not given over, no, nor so much as addicted to the (Puritan) Preciseness; thus advises her Majesty Queen Elizabeth: "Till I think that you think otherwise, I am bold to think that the Bishops in these dangerous times, take a very ill and unadvised course (so pious Bishops were in those days) in driving them from their Cures, and this, I think for two Causes.

Lord Treasurer Burleigh's Letter to Q. Eliz. in Bacon's felicity of Q. Eliz.

1. "Because it doth discredit the reputation and estimation of your power, when the Princes shall perceive and know, that even in your Protestant Subjects (in whom consisteth (mark that) all your Force, Strength and Power) there is so great and heart-burning a Division; and how much reputation swayeth in these and all other worldly Actions, there is none so simple as to be ignorant; and the Papists themselves (though there be most manifest and apparent discord between the Franciscans and Dominicans, the Jesuites and other Orders or Religious Persons, especially the Benedictines,) yet will they shake off none of them, (mark that; but some are wise and some are otherwise) because in the main point of Popery (and Protestantism) they all agree and hold together, and so far (and so may all Protestants also) freely bragg and vaunt of their Unity.

"The other reason is, because in truth, (in their Opinions) though they are over-squeamish and nice, and more scrupulous than they need, yet with their careful Catechizing and diligent Preaching, they bring forth that fruit which your most Excellent Majesty is (mark that) to desire and wish, namely, the lessening and diminishing the Papistical Numbers; and therefore in this time your Majesty hath especial Cause to employ them, if it were but as the Emperour Frederick the Second employed the Saracens against the Pope, because he was well assured that they (only) would not spare his Sanctity.

The CONCLUSION.

Therefore (certainly) Solomon knew what he said, when he said, That the Throne is established by Righteousness and Justice.

For Justice, or (which is all one) the Law is the (only) sure foundation of the Throne; which William (Surnamed) the Conquerour so well understood, that he post-pon'd or wav'd his Title to England, as Conquerour, (and a long Sword) deriving it (against Earl Harold that Usurper his Crown,) from King Edward the Confessor, (his immediate Predecessor) as his next Heir by nature.

'Tis true, Coke calls him William Bastardus, and the Common-law sayes (at least) to all Subjects, Bastardus non hereditabit, a Bastard shall not Inherit; but whether King William had any reason, or rather was mistaken to think it too low to reach the Laws of the Crown; though afterwards Illegitimacy upon another score (so declared by Acts of Parliament) proved not a sufficient Barr to seclude either Queen Mary or Queen Elizabeth from the Imperial Crown of this Realm) or whether it was but King Will-

Coke in Pro-
m. 2^d. Institut.

ams meer fancy, or that he had some other Title by the Will of King Edward, concerns not us at this distance, so much as to enquire, further than to say, (what all History agrees in) negatively, he did not claim his Right to the Crown by his Sword, or by laying his Hand upon his Hilt; but gently, like other Successive Kings of England; took the Coronation Oath, and vowed observance of and Obedience to the Laws.

For the Throne of England is more stately, magnificent, and well-grounded, than to stand upon so Ticklish a point as the Point of a Sword, be it never so long a Sword; much less should it stand upon so tottering a Lottery, as to come to measuring of Swords, or the long Cut carry it.

Especially, since the Law of God and Nature teaches the vanquished to put by the longest Sword (as far as they can) from their Breasts and Throats, except the Sword be Commissionated and Legitimated from the Law of the Land.

And since the Law of the Land is the only, sure, true, infallible and impartial Empire in all Causes, and over all Persons as well Ecclesiastical as Temporal to decide all differences and contests that may or can possibly arise betwixt Arbitrary Lust, Rage, Will and force (on the one hand) and Disobedience and Rebellion, (on the other hand) and since it has prov'd so fatal (hitherto) to any man that has dared to refuse to stand to the Umpirage and Award of the Law; then (tell me) who will, nay Indeed, who may or can withstand or gainsay the Law that is irresistible?

Coke 2^d. Instit.
688.

And if, (by the Premises) it be undeniably true, that — by the repealing of a Repeal, the first Act is revived; and (also) that an after-Statute makes void all its Predecessours that are contrary to it; and (also) if the effect must be after its Cause, then so certain it is, that this Royal Statute (1 Edw. 6. 2.) bearing date of its Life from its Cause (prim. Jacob.) that revived it, must undoubtedly take place of (1 Eliz. 1. 1 & 2 Phil. & Mar. & 1 Mar. and) all (other) Statutes that are its Seniors in every thing where they thwart it.

But, (alas) 1 Eliz. 1. & 1 Phil. & Mar. 8. were not contrary to it, much less could it come into the hearts and minds of those Legislators to repeal it, more than to offer to kill a dead Horse; for it was (as dead) (by 1 Mar. 2.) till King James Reviv'd it, since which time who can deny but it has had Life, by what Arts soever, or for what hidden Cause soever, or by whomsoever it has seem'd to be smothered; though so advantageous and suitable to the Kings Prerogative Royal.

Also, if all the Canon-law made before 25 H 8. (and no other) be in force, (in Tanto) for so much of them as are not contrary to the Laws of the Realm, nor to the Kings Prerogative Royal; (which the Law (also) does in every thing support, direct, declare and advance,) and if Symony in contracting or purchasing, selling, buying or bargaining for Divine Gifts, Functions and Offices, be odious to God and man, and to the Laws both of God and man; then (tell me) who will or dare, nay, indeed who may or can, give or take, require or exact Money for Baptizings, Buryals and Marriages; for Sins, Sacraments and Lectures; for Letters of Orders, Institutions, Inductions, Collations or the like? much less chop and change Bishopricks or Benefices for lucre, (filthy Lucre) in defiance of the Oaths against Symony, in defiance of the Oaths of Canonical Obedience, taken and sworn (God forgive us!) by every Benefic'd Priest and Bishop, in defiance of the Law of God and man, and (which is worst of all) to the apparent hazard of our Immortal Souls, and all this for a little ungodly gain.

Who will believe us of our Preaching? or can any Imagine that we believe what we Preach, whilst without repentance we live in such Symonical Crimes, to the universal scandal and contempt of the Clergy?

Which

Which seems not more Catholick and general than Just, if by our known Symony and Avarice, Pride and Cruelty, Rascalling-spirit and Worldly-mindedness (above all others) we taint our Holy Functions, and bespot and stain our Surplices with so much filth, making our selves (thereby) the common Scandal, as well as common Odium: what need have we (above all others) to ask forgiveness both of God and man?

And such may as lawfully be resisted, as an honest Woman may resist a Goat or a Ravisher.

Howbeit, It is so far from Purgation, that it aggravates any Villains Crimes, when he thinks to expiate his Abominations (as Manasseh did) by Humane Victims, sacrificing Men to his Wrath, by encouraging inhumane Cruelties and Vexations against such who happen to have sraiter Consciences, and not so wide a swallow as himself.

How many Hearts were ever won by vexing them? or, how can men (in Justice or Law) be compelled to that Church (by the Act of Uniformity) which is not conformable to the Act, but coyns or keep up new Ceremonies, in unlighted Candles on the Altars, cringing and bowing to them, Organs and Musick, with many such Innovations punishable by the Act of Uniformity.

If men must obey the established Religion, let us have no other but what is established; and if Dissenters must be punished, let all Dissenters be punished, and not make fish of one and flesh of another; since Dissenters have this unanswerable excuse for not coming to Church, and to the established Religion, if there be another or more Religion, (or rather) Superstition there, than what is established by the Act for Uniformity.

For I (and all good Subjects) ought equally to abhor all Faction; and all Innovation, all new Religions, or new Superstitions and Ceremonies to Periwig the old.

Both of them are Dissenters, and if any be Fined and Punisht, Fine them and Punish them both alike; but first Fine those Dissenters that make Dissenters by new Ceremonies contrary to the Act.

Though (I confess) I am not for knocking men down and taking their Pursets, because their eyes are not so good as mine, for fear that the next man I meet (who may happen to out-see me as well as out-stare me) should (by mine own rule and law) serve me with the same sawce; and (more especially) because Almighty God (the only King of Consciences, has always Plagued Persecutors of mens Consciences, (although) erroneous Consciences) in all Ages; and I am apt to think that the Merit of Informers will scarcely persuade Almighty God to abate his usual Indignation against all manner of Persecution and Cruelty: How much soever the Persecuting strain be applauded and admired by subtle Roger, and such needy Varlets that are greedy to swallow any bait, (they are so hungry) though it will certainly choke them.

His Gracious Majesty (whom God long Preserve) having so often declared (as also his Parliaments) against the severity-part of the Act, and so also King Charles 1. that tells his Son how dangerous it is to Usurp the Jurisdiction of the King of Consciences, or to kick against the pricks: And I have heard that (therefore) he would never Pardon a Murderer, saying, Who am I? to contradict God that sayes, — He that sheddeth mans Blood, by man shall his Blood be shed? and shall I say No, it shall not be shed?

But, if in this, or in any other word or clause in this discourse, any thing have escap't my Pen, through Precipitancy or want of Skill, (for who (except the Pope) is Infallible) or derogatory to the Holy Catholick Church, Faith or good Manners, I wish it were obliterated, with all my heart.

For nothing do I covet in this World so much as the Propagation of the true established Religion, Peace, Mercy and Goodness to humane Nature and all Mankind; against any of which if I have in the least transgressed herein, I hope the Ingenuous Readers will the rather candidly Pardon me, in Complacence to the Honesty of this my Attempt, which may (at least) Atonc for my Errors and humane frailties which are many, very many; against which (though) none can possibly be more enraged than I am, when they are discover'd to me.

But, why should men be in love with their Sins or their Sores? if they were my Sores, I would not kick a Dog that offer'd to lick them whole.

And was not apparent Symony, Avarice, Spiritual Dominion, and Encroachment upon Temporal-Courts and intrusion into temporal Employments, together with Persecution, Cruelty, Spitting-fire, Curles and Anathemas, Extortions, Gaoles and Fines, new Ceremonies and Superstitions, Antick Dresses and Antick Cringes, &c. (all which are some mens darling sins,) but were they not at first brought over from Rome by Augustine, Archbishop of Canterbury (as aforesaid) that same wretched Monk?

I know not what such Romish Dreggs are good for, except (as the Drest Cowcubers I once Cookt) for the Dunghill.

Or, how in the name of goodness can any man abett them, or so far Countenance them, as to Discountenance me (as hitherto) for Impeaching them?

Nevertheless, if any bodies Palate be so out of tast, as to love and long for such Romish Dreggs, let them send for the old, tainted and stinky Bottles again.

For nothing else is fit to hold them, nor can retain them long; for the Gospel is compared to new Wine, which no man (that is, no wise man) puts into old Bottles, else the new Wine doth burst the bottles, and the wine is spilled and the bottles will be marred, but new wine must be put into new bottles, and both are preserved. Mark 2. 20.
Mat. 9. 17.

Not, but that I have been as silly a Zealot for Persecution, as zealous Roger himself; till by searching, I could find no president for it in the Bible, nor any good luck that attend'd any that Persecuted men for Conscience-sake, though an erroneous Conscience; and especially in our Soyl, where that weed never thriv'd long; witness Queen Maries Methods; and the German Emperor to the Protestant Hungarians, till for shelter they fled to the (more merciful) Turk, a Piece of Jesuitisme as unpolitick as Impious, whoever lives to see the upshot.

I confess, in the Old Testament Joshua had such a Commission to kill, slay and plunder all Dissenters, so that it (possibly) might be true, what Procopius (says he) saw, engraven on a Pillar near Tangis, (now called Tangier, our Garrison in Africa) erected by the Phenicians or Philistines that fled (so far) from the Valour of the Lords Captain, Joshua, to eternize their flight, (and except they had fled into the Sea, they could not well have fled further,) in these words — *Nas fugimus a facie Joshua, Prædonis filii Nave*; We fly from the face of that great Thief, Joshua the Son of Nun.

But, he had no Commission to plunder his fellow Jews; what fear was a Province peculiar to the wicked, and mischievous Priests, (only) those ravenous Sons of Eli.

Whose Symonical Rapine dragg'd from me these livery Verbes.

The Priests of Bel were glad to Prory for meat,
Feeding their Wives and Brats by holy Cheat:
But (High-Priest) Eli's Sons, without remorse,
Cry — Give, (ye Slaves!) or else we'll take by force,
Ay — These were rampant, Hector, rend and tear,
And will be twice paid, Curse, Arrest, and Swear;
Their frothy wares the Layety must buy it,
(Just as they set the Price) who dare deny it?

Come to the Temple — Simon — buy Gods Word;

If not, then take him Gaoler, Ax or Sword.

Religion dress'd in Buffs? with Gun, Sword, Pike?

Religion sayst? the D — it is more like.

Religion is an Exoribly Paradise

(Not an Artillery-Garden) to the wife:

Religion's goodness and its Truth (alone)

An Infinite of Souls to Heaven has won:

But can we give our God greater Dishonour,

Than think — He needs the Black-Art of old Bonner?

The Pastoral-staff brought home Christs Sheep to Folds;

Ne're call'd (for Help) to Quarter-staff, of old;

If Heaven allure not, no, nor Gold to boot,

Not all Earths Magazines nor Hells can do't.

For Souls may well to God be drawn, not driven;

Did ever Gunpowder blow Souls to Heaven?

Lastly, ever and above all this the 15 Car. 1. 11. does inflict the penalty of a hundred pounds on all Ecclesiastical-Couriers that take upon them to inflict, award or impose any Fine, Penalty, &c. upon any the Kings Subjects, &c. And I do not remember that they did Act till by 13 Car. 2. 12. some deemed a branch thereof to be repealed by 13 Car. 2. 12.

But that 13 Car. 2. 12. repealing only a branch of a Statute made in 17 Car. 1. Quærs, Whether that can repeal 15 Car. 1. Possibly it might be a mistake, but Quærs, Whether any but a Parliament can regulate or amend that mistake?

For, It is most certain, that all Acts of Parliament shall bear date from the Beginning of every Parliament, or from the beginning of the first Session of Parliament, as it is resolved 3 H. 8. B. Parliament 86. in *Partridge and Croker's Case*, Plowd. 79. And never did any Parliament or Session of Parliament begin in 17 Car. 1. and therefore the 13 Car. 2. 12. seems to affect the 15 Car. 1. no more than the 26 Car. 1. or any other Statute.

Does some ill fate attend our Ecclesiastical-Grimas of Spiritual Courts, that even the Statutes made in our favour, prove unsuccessful? What worse than ill Luck?

I profess, I cannot but apprehend the just Judgment and Justice of God upon me, (whatever evil Instruments he made his Rod of) for my apocryphal Symony in giving forty Shillings to be made a Priest, and eight pounds for Institution to the Work, and then 20 s. for Induction; and then 30. shillings to have Licenses to visit the Priests Office of preaching, &c. but they would not do it cheaper, to the apparent breach of our Canonical-Oaths, and Oaths against Symony; And yet I paid all (only) in fore't Fees.

And is it not also just with God to make us clash, and break us one upon another and one by with (and against) another, for such abominable breach of Oaths, Exorations and Symonical oppressions in exacting money for Baptisms, Marriages, Lectures, Baptinges, &c. What? Sell holy Sacraments and holy Offices? Fly for shame!

But, I repent, heartily, heartily, and thus publicly take shame to my Self, standing (thus) in a white-sheet for it: And if ever I do to any more, then, let my Heavenly Father whip me again with the rod of the Wicked to my dying day: But blessed be his Name, that letting me hereby see my Sin, I may probably be instrumental to convert my Brethren from such horrid Symony, Avarice and dangerous Oaths, that to God may avail his Judgments, and the Universal contempt of the Clergy, under which we groan unprovoked.

But, no more (at present); however of these matters.

Whosoever is not founded, neither upon Gods Law, nor the Law of England, cannot long subsist, with what frail props sinners vainly endeavour to stave it up: — Stand clear then — I do with you; As you love your selves, your Families and Posterities, come not too near such a chaste frame, stand where it will.

For, while I cannot stand thus tall, I fear's all.

Finally, Baptisms and marriages are all entire, entire, and would it not be a kind of Miracle, to see over the bones of Bishops Episcopos (now so plentiful) many Ages hence (I mean) a Paper (Passed over the Gates thereof) inscribing — *What House is to be Let?*

Is it not just, that they should for ever be y'd Nuts and Hells, and fetter'd to all Posterity, that to the loss of their Reason as well as Rectitude and Gravity, do most curiously snarl, and most charitably snap at those terrible images that would be their Cords?

Then, there let them lie, with their Posterities, bound down and cripp'd with those heads, where-with past Bishops first were Priest-rid by Austins the Monk.

Hobart in the
Case of Anne
Wheeler, versus
Bishop of
Winchester.

See Archb.
Parker, de Ar-
tig. Eccl. B.
tan. p. 47.
How Austin in-
cited King
Ethelbert to kill
the Monks of
Bangor, that
were not Con-
formists to his
Romish Drivel
and Ceremo-
nies! bloody
Monk! Anno
601.

